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# BURKE'S P O L I T I C S

*Selected Writings and Speeches of*  
EDMUND BURKE  
*on Reform, Revolution, and War*

EDITED BY  
ROSS J. S. HOFFMAN  
&  
PAUL LEVACK



ALFRED A. KNOPF NEW YORK

1949



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FIRST BORZOI EDITION

DEDICATED TO  
THE MEMBERS AND FELLOWS OF  
THE BURKE SOCIETY  
OF FORDHAM UNIVERSITY



## Preface



*SELECTIONS from Burke's writings and speeches have many times been prepared, but heretofore, we believe, no such volume has been put together on the principle followed in this one. The purpose has been to show the operations of Burke's mind, at its best, on all the great political questions of his age. Instead of attempting to abstract his political philosophy, we have tried to display it permeating and governing his thought on a wide range of concrete subjects. There is, in truth, no other way to present Burke fairly, because he was not a speculative but a practical political thinker. No a priori system of political ideas — no ideology — governed his mind, but a passion to apprehend objective facts and circumstances. His works abound with passages of abstract and general wisdom, but these were by-products — sparks as it were, sent up by the fire of his mind as it consumed the substance of daily practical issues. The wisdom is immortal but the issues are largely dead, and as Mr. G. M. Young said in his lecture on Burke in 1943, "nothing is so dead as dead politics." No doubt this explains why Burke has for so long been the least read but most quoted of political writers.*

*In presenting these selections we have cut away as much "dead politics" as seemed possible without suffocating Burke in a historical vacuum. This was not only difficult but dangerous. Whoever appreciates the tapestry-like beauty and organic quality of his compositions will know that to abridge them is to risk committing an odious literary crime. We sincerely hope that our abridging has been done with sufficient discriminative judgment and delicacy of taste to avoid the shameful accusation of having butchered masterpieces.*

*Most of the texts have been taken from the twelve-volume edition of The Works of the Right Honorable Edmund Burke, published by Little, Brown & Company of Boston in 1865-7. This edition is more widely known and easily available in the United States than any of the several other editions of Burke; and its modernized spelling and punctuation are more familiar to American readers. But we have made comparative examination of other editions and of original copies of Burke's books in the New York Public Library. Several selections have been taken from the Correspondence of the Right Honourable Edmund Burke, 4 volumes, London: Rivington, 1844. Wherever it has appeared to serve the convenience of the contemporary reader, we have made small changes in the punctuation, spelling, and capitalization in the texts. The footnotes are our own work.*

*We express our gratitude to Little, Brown & Company for their cordial approval of the use of their edition, to the Pierpont Morgan Library of New York City for permission to quote from an original manuscript letter of Burke, and to Moorhouse I. X. Millar, professor of political philosophy in the Fordham University Graduate School. Father Millar is a lifelong student of Burke and possesses an admirably assembled but unpublished selection of his most profound writings. We were permitted to examine this and it proved extremely helpful in preparing our own volume. Finally, we offer thanks to Professor Geoffrey Bruun, of Columbia University, who read the whole manuscript and gave us the benefit of his wise historical and literary judgment.*

ROSS J. S. HOFFMAN

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September 1948

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BURKE'S POLITICS  
SELECTED WRITINGS AND SPEECHES OF  
EDMUND BURKE  
ON REFORM, REVOLUTION, AND WAR

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Introduction:  
Burke's Philosophy of Politics

¶ The historian Lecky said of Burke's political writings: "The time may come when they will be no longer read. The time will never come in which men would not grow wiser by reading them."<sup>1</sup> But when these words were written, more than fifty years ago, Burke was already being neglected. In the expanding prosperity and freedom of the last Victorian decades, when but few intimations had been given of an immense catastrophe lying in wait for Europe, for the British Empire, and the whole Western world of law and liberty, Burke had become a classic author who was more often quoted than read. The great questions on which he had discoursed and debated were obsolete. Parliamentary monarchy and party government under constitutional limitations seemed durably established. The old religious disabilities that once weighed upon Catholics and Dissenters in the British Isles had been lifted. India had come to be governed by humane statesmen guided by the rule of law. British governments had learned that liberty and justice, not oppression, were the secrets of successful empire. And no monstrous fanaticism such as the Jacobin terror possessed or seemed likely ever again to seize control of a great state, and so menace the freedom of nations, the religion, the political equilibrium, and the moral order of Europe. There was no longer a romantic revolt against the eighteenth century to celebrate the wisdom of the prophet who had foreseen the evil that would be done by the "philosophers" of the Age of Reason. The nineteenth-century positivists and "realists," reacting against the romantics, had sung their praises to the great opponent of "metaphysical" policies.<sup>2</sup> So there seemed little more to say: Burke was

<sup>1</sup> *History of England in the Eighteenth Century* (New York, 1878-90), III, 197.

<sup>2</sup> See John Morley's *Edmund Burke: A Historical Study* (1867) and



summed up, canonized, and neglected — because so much that he had said seemed to have lost its relevance for a generation that had no experience of world war and world revolution. But since 1914 or rather 1917 — the year of the Russian Revolution and the entry of the United States into World War I — men have experienced anew the kind of universal tumult in which Burke lived; and he has become relevant again.<sup>3</sup>

The period of his career bears in fact a striking resemblance to the last thirty years. At the close of his life in 1797, when French Revolutionary arms were triumphant over western Europe, and Britain was isolated and threatened by invasion, Burke looked back over a succession of calamities in a perspective like that which presented itself to an elder statesman in 1940. Such a man could recall the victory of 1918 and the lost peace that followed, as Burke recalled the triumphs of the Seven Years' War and the lost peace of 1763. The points of comparison are numerous. The bungling and stupidities of the politicians of the 1920's are reminiscent of the maneuverings of the Butes and Grenvilles, Bedfords, Townshends, and Norths who mismanaged the British Empire and lost the American colonies. The demagogues of the pacifist Left, the "Cliveden set," the appeasers in all political camps, and the moral nihilists of the literary world may be compared with the

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Burke (1879) in the English Men of Letters Series. These books and Sir Leslie Stephen's treatment of Burke in *A History of English Thought in the Eighteenth Century* (1876) (Vol. II) were the outstanding positivist analyses of Burke's mind.

<sup>3</sup> From about 1890 to 1914 there was comparatively little writing about Burke, but in the last thirty years many notable studies have appeared. Among them are A. P. I. Samuels: *Early Life, Writings and Correspondence of Edmund Burke* (Cambridge, 1923); a reprint of Morley's 1867 volume (by Alfred A. Knopf, N. Y., 1924); Bertram Newman: *Edmund Burke* (London, 1927); Alfred Cobban: *Edmund Burke and the Revolt against the Eighteenth Century* (London, 1929); A. A. Baumann: *Edmund Burke, the Founder of Modern Conservatism* (London, 1929); F. J. C. Hearnshaw's study in *Social and Political Ideas of Some Great Thinkers in the Revolutionary Era* (London, 1931); R. H. Murray: *Burke* (Oxford, 1931); Sir Philip Magnus: *Edmund Burke* (London, 1939); F. T. H. Fletcher: *Montesquieu and English Politics, 1750-1800* (N. Y., 1939); Ernest Barker: *Burke and Bristol* (Bristol, 1930) and *Essays on Government* (Oxford, 1945); G. M. Young: *Burke* (Oxford, 1943); Mario Einaudi: "The British Background of Burke's Political Philosophy," in the *Political Science Quarterly*, Vol. XLIX (1934); and M. I. X. Millar, S.J.: "Burke and the Moral Basis of Political Liberty," in *Thought*, Vol. XVI (1941). Among the American scholars who have produced numerous monographic studies of Burke are Donald Cross Bryant, Thomas W. Copeland, Dixon Wecter, Mario Einaudi, and M. I. X. Millar, S.J.

Whig "schemers," the narrow-minded Tory squires who worshipped George III, the "little minds" that went so "ill together with a great empire," and the "philosophers" of the Enlightenment. The dissolution of the Anglo-American partnership of 1917-18, with the resultant opportunity given to the totalitarian revolution in continental Europe, finds its analogy in the Anglo-American divorce on the eve of the French Revolution. And the rise of the doctrines of Karl Marx and communism to a commanding influence over men's minds has been a phenomenon comparable to the ascending movement of the doctrines of Rousseau and the kind of democracy that was called Jacobinism.

From his beginnings as a political publicist in the late 1750's and throughout his parliamentary career (1766-94) Burke opposed the gathering revolutionary deluge by advocating conservative reform. He aimed at preventing small commotions from becoming great maelstroms. He fought against injustice even more than against disorder, but especially he fought against the principles of political imbecility, which are ever the unwilling parents of both disorder and injustice. He strove to save the British constitution from the quack political doctors who administer poisons for remedies, and to save the British Empire by eradicating the evils that made it a target for fanatics who are not unwilling to destroy what they do not know how to reform. And in his last years he strove to save his country and all Europe from a revolutionary mania bent on tearing to shreds the whole fabric of social and political relations. He began as a champion of public morality in England; he ended as the protagonist of Christendom against Jacobin imperialism.)

And a wonderful consistency pervaded his efforts. To those who have denied this consistency, failing to see the Burke who defended the American colonists in the Burke who condemned the French Revolution, Morley has replied that he changed his front but not his ground. His last years were not a paradox but a climax; he did not change his political philosophy but developed, deepened, and found new applications for it. The man who satirized Bolingbroke in 1756 was the same man who forty years later raged against the Jacobin philosophers of France. His consistency was sustained by love of his country, his kind, and his religion, and by an intellectual passion to place his mind in touch with reality. Goldsmith once said that in conversation Burke wound into his subject like a serpent. The metaphor might be applied to all the operations of his mind. He penetrated his object, enveloped it, sought a three-dimensional grasp upon it. He dis-

cerned and cherished good and enduring values; he wished to apprehend and make them his own.

More fundamental, therefore, than the principles that governed his thinking, was his vision of reality: the kind of world that presented itself to his perceptive eye and hungry understanding. It was a rational world, but not the rational world of the eighteenth-century rationalists.) Burke had little knowledge of or interest in the universe of the mathematicians and natural scientists; his interest was not in things, but in men, and morals, and politics. (His world was not the cosmos but the human scene,) which could be explored and discovered infinitely by truth-loving and reasonable men; but only its Creator could comprehend it. Not having made the world themselves, but being creatures of Him who had made it and providentially sustained it, men became victims of a vain imagination when they fancied, as did the philosophers of the Enlightenment, that they could grasp the rationale of the created order, of history, and of the social and political composition of the human race. (Burke viewed the order of creation with awe and humility, and thought it a grave error for the mind to act with "no restraint from a sense of its own weakness, of its subordinate rank in the creation.") It could "very plausibly attack everything the most excellent and venerable," and "make the wisdom and power of God in his creation appear to many no better than foolishness." Burke's mind was untainted by that Cartesian error which Maritain has denominated as 'angelism.' Never did he violate the admonition uttered in the preface to his first book: when we go out of the sphere of our ordinary ideas — that is, when we go out from our own small world of making and doing to explore the world that God has made — "we can never walk surely but by being sensible of our blindness. And this we do, or we do nothing, whenever we examine the result of a reason which is not our own."<sup>4</sup>

(On this bed rock of humble submission to the Mind that had made the world and man Burke based his political philosophy. It was the politics of Christian humanism. It was informed by the philosophy of human nature, freedom, and destiny, which was integral with the orthodox religious tradition of Europe. It was built round "that wonderful structure, Man — whose prerogative it is to be in a great degree a creature of his own making, and who, when made as he ought to be made, is destined to hold no trivial place in the creation."<sup>5</sup>) The most important questions

<sup>4</sup> *A Vindication of Natural Society* (1756), Works, I, 6.

<sup>5</sup> *Reflections on the Revolution in France*, Works, III, 353.

about the human race Burke answered, therefore, from the Church of England's catechism. He was sure that the first duty of all men was to obey the law ordained by their Creator for their good; that is, for their temporal welfare and the attainment of the end for which they were made; whence it followed that the primary business of the legislator or statesman was to ascertain, obey, and promote obedience to the precepts of the Creator as these could be discerned in the natural order. Burke's politics thus were grounded on recognition of the universal natural law of reason and justice ordained by God as the foundation of a good community. In this recognition the Machiavellian schism between politics and morality is closed, and it is exactly in this respect that Burke stands apart from the modern positivists and pragmatists, who in claiming him have diminished him.<sup>6</sup> His thought, to be sure, worked mostly on concrete and practical questions and he was not fond of adverting to first principles of public morality; but affirmation of the natural law is implicit in all his works, and when he criticized radically—when he attacked at the roots such heinous systems as the anti-Catholic penal code of Ireland and the tyrannical rule of Hastings in Bengal—it became explicit. He appealed to "a superior law, which it is not in the power of any community, or of the whole race of man, to alter—I mean the will of Him who gave us our nature, and in giving impressed an invariable law upon it." This law all legislators must obey, else their laws were not true law.) "It would be hard," he said, "to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position that any body of men have the right to make what laws they please." (Men were "all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable pre-existent law, prior to all our devices and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir."<sup>7</sup> This law did not arise from conventions and compacts; rather did they receive all their force and sanction from the law. All power to govern was from God, and God approved the exercise of power only in conformity to His law. Because of

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<sup>6</sup> Morley, Stephen, and Lecky completely ignored Burke's doctrine of the natural law.

<sup>7</sup> *Tract on the Popery Laws*, Works, VI, 322.

<sup>8</sup> *Impeachment of Warren Hastings* (February 16, 1788), Works, IX, 455.

this awesome responsibility resting upon rulers and legislators, Burke favored public religious institutions and the consecration of the state. He distrusted politicians of secularized morality as guardians of the state, because "all persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society."<sup>9</sup>

Because he acknowledged the natural law, Burke affirmed men's possession of natural rights. "The rights of *men* — that is to say, the natural rights of mankind," he said, in speaking on Fox's East India Bill, "are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure."<sup>10</sup> Conservation of these rights was nothing less than the great purpose of civil society. The universal moral law obliged all rulers and governments to recognize an original right in the subject which could "never be subverted, but by rooting up the holding radical principles of government, and even of society itself."<sup>11</sup> Burke's doctrine of natural rights was in opposition, however, to the "rights of man" philosophy of Paine, Rousseau, and the French Jacobins. He adhered to the Aristotelian-Thomist doctrine of man as a political animal and the state as a natural and therefore divinely sanctioned institution: "He who gave us our nature to be perfected by our virtue, willed also the necessary means of its perfection: He willed, therefore, the state."<sup>12</sup> (Burke vehemently denied the revolutionary appeal to "rights" derivative from a pre-political state of nature; to dissolve the bonds of civil society was not to return to nature but to act against nature. Burke was unreceptive to the ideas of John Locke, and he held in contempt Rousseau's equation of natural society with primitive society.) It was humanly natural to develop the arts and sciences, the state and civilization to their highest and most complex forms: "Never, no, never did nature say one thing and wisdom say another. . . . Nature is never more truly herself than in her grandest forms."<sup>13</sup> And her grandest form was man, the image of his Creator and a creator himself, made to transfigure the face of the world and adorn it with works of art and wisdom. (The true rights of men, therefore, did not derive from a

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<sup>9</sup> *Reflections*, Works, III, 354

<sup>10</sup> Works, II, 437.

<sup>11</sup> Ibid.

<sup>12</sup> *Reflections*, Works, III, 361.

<sup>13</sup> *Letters on a Regicidal Peace*, Works, V, 407.

mythical state of life antecedent to the formation of civil society and the institution of property and government, but from the fixed and permanent nature of beings on whom lay an obligation to obey their Maker's ordinances. His law alone gave sanction to all good political constitutions, and the test of a good one was not how well it corresponded to schemes contrived by the most benevolent doctrinaires, but how well freedom, justice, property, peace, and all the conditions requisite to a good human life flourished under it.

Civil society having been made for men's advantage, all the advantages for which it was made became men's rights. They had a right to live by the rule of law, because law was "beneficence acting by a rule." They had a right to justice, to the fruits of their industry, to the nourishment and improvement of their children, to instruction in life and consolation in death. Only in civil society could these rights be validated; government was therefore "a contrivance of wisdom to provide for human *wants*," and men had "a right that these wants should be provided for by this wisdom."<sup>14</sup> Burke adored liberty and hated despotism, but had no partiality for a limited-liability state such as nineteenth-century liberalism was to produce. Public power was limited only by the rules of prudence and moral discretion; government should be strong, active, and competent for the public good. Such was the order of nature in social and political relations.

According to this view, the growth of the British constitution, which Burke venerated as a fortress of genuine natural rights, was a wonderful work of nature. The successive generations of people in the British Isles had raised this structure, not by seeking to materialize abstract rights, but by claiming and asserting their liberties as the entailed inheritance of their forefathers. Burke described the policy as a happy effect of following nature, which was "wisdom without reflection, and above it." The British political system, therefore, was "placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts"; it exemplified "the method of nature in the conduct of the state."<sup>15</sup>

(Nor was it less natural that the state was aristocratic, since a natural aristocracy, in Burke's judgment, was an essential part of every large and well-formed political community. The state of society that generated this aristocracy was "a state of nature — and

<sup>14</sup> *Reflections*, Works, III, 308–10.

<sup>15</sup> *Ibid.*, 274–5.

much more truly so than a savage and incoherent mode of life." For man was by nature reasonable and never more truly in his natural state than when he was placed "where reason may be best cultivated and most predominates."<sup>16</sup> This defense of aristocracy, of course, was owing in part to the fact that Burke was a defender of existing institutions, which were strongly aristocratic. He was the chief counselor and manager of the most aristocratic section of the Whig party: the Rockingham group, who not only resisted George III's personal rule but disapproved the tendency of Chathamite and Foxite Whigs to carry political issues over the head of Parliament to the people. (But Burke championed aristocracy primarily as an instrumental means to good government, which did not signify rule by the privileged but the legal domination of reason and justice. The badge of true aristocracy was not wealth and hereditary rank, but virtue and wisdom.) In 1770 he declared himself "no friend to aristocracy" in the usual sense of the word, and if the constitution were to fall he preferred to see it "resolved into any other form, than lost in that austere and insolent domination."<sup>17</sup> He knew the Whig grandees too well to have many illusions about them; he tried for thirty years to guide them along paths of virtuous public action, but his success was small. Writing to Charles Fox in 1777, he deplored the lassitude of Whig peers whose faults were connected with "plentiful fortunes, assured rank, and quiet homes." Little exertion could be aroused in the men who were the chiefs of Burke's party unless some horrible calamity was "just over their heads."<sup>18</sup> These men were delighted, and often amazed, at finding in Burke a champion of their order—a perceiver of virtues they were hardly aware of possessing—but they wearied easily when he tried to teach them their duties, or even to explain to them their interests. His counsels never gained the authority of commands, and his respect for peers seems to have been greater at the beginning of his public life than at its end. In 1790 he observed that "hereditary wealth, and the rank which goes with it," were "too much idolized by creeping sycophants," and admonished his readers against imagining that he wished "to confine power, authority, and distinction to blood, and names and titles." There was "no qualification for government but virtue and wisdom."<sup>19</sup> In his valedictory *Letter to a Noble Lord* one senses an actual contempt

<sup>16</sup> *An Appeal from the New to the Old Whigs*, Works, IV, 175-6.

<sup>17</sup> *Thoughts on the Cause of the Present Discontents*, Works, I, 458.

<sup>18</sup> Works, VI, 138.

<sup>19</sup> *Reflections*, Works, III, 297, 299.

for an aristocracy too stupid to know its own interests and too craven and selfish to perform the duties that alone could justify its privileges.

(Burke's defense of aristocracy was, in truth, only incidental to the defense of his beloved British constitution, in which he saw three operative principles: monarchic, aristocratic, and democratic. Desiring to preserve them all, at different times he championed each against the illegitimate pretensions of the others. His frequent denunciations of democracy do not mean that he was in opposition to the great historic processes that have shaped the evolution of the free and popular political societies which today call themselves democratic but are compelled to distinguish themselves from the totalitarian democracy of the Soviet world. Western constitutional democracy did not exist in Burke's time. What he opposed was Jacobin democracy, and he fought against it in England (long before it acquired its name in France) because he foresaw, and correctly, that its principles would not produce liberty, but a totalitarian mass state of despotism ruling over an equality in servitude. He was the implacable enemy of the kind of politics exemplified by Paine and Robespierre, but was an expounder—indeed, the foremost expounder—of the politics that sustain constitutional government, progressive inclusion of all politically educated persons in the life of the state, maintenance and enlargement of civil liberty, scrupulous respect for the rights and dignities of all human beings, and prudent exercise of public power on behalf of the general welfare. His preference was for "a monarchy directed by laws, controlled and balanced by the great hereditary wealth and hereditary dignity of a nation; and both again controlled by a judicious check from the reason and feeling of the people at large, acting by a suitable and permanent organ."<sup>20</sup> But he reprobated no form of government on abstract principles, and admitted that there might be situations in which a purely democratic form was necessary; that would depend entirely on the circumstances, and on the character and habits of the people. He did not castigate the Jacobin republic in France as a democracy, but as "a mischievous and ignoble oligarchy." Burke had seen no modern example of democracy in a great country, and he knew that in antiquity democracy had tended toward demagogic tyranny and been "rather the corruption and degeneracy than the sound constitution of a republic."<sup>21</sup> But his

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<sup>20</sup> *Ibid.*, 395.

<sup>21</sup> *Ibid.*, 396–7.



mind was open on the subject. He knew that past experience was not the whole sum of human capacity for creative achievement

His mind was not only open but expansive and of a natural liberal tendency. Adoring liberty, he wished to popularize it; and he relished a widespread interest and activity in political life. But if democracy was to come, he was determined that it should first prove worthy of the power to which it aspired. It must not aim at the subversion, but the improvement of the constitution. He set his face against the demagogue who raised the mob at the palace gates because he saw in the demagogue an anarchist or potential tyrant; and he saw that demagogue in England, firing London and menacing the freedom of Parliament, many years before the Paris mob stormed the Bastille and the Tuileries. He rejected all proposals made in his age for altering parliamentary representation or enlarging the suffrage on democratic principles, but his attitude would have been different had he believed the people really desired these changes. "It would be dreadful indeed," he wrote in 1780, "if there was any power in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people." The people might be deceived in the choice of an object, but he could scarcely conceive any choice they could make "to be so very mischievous as the existence of any human force capable of resisting it."<sup>22</sup>

(When Burke used the words 'the people' he did not mean, however, what writers in our day commonly call the masses. To the people as mere population he opposed the idea of the people incorporated and associated in accordance with the ordinances of nature; which meant the multitude acting under the leadership of the wise and virtuous, with reason and justice girded strong against capricious fancy and will.) Then, said Burke, "I recognize the PEOPLE. . . . In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony—when you break up this beautiful order, this array of truth and nature . . . when you separate the common sort of men from their proper chieftains, so as to form them into an adverse army—I no longer know that venerable object called the people in such a disbanded race of deserters and vagabonds."<sup>23</sup> Burke stood for government of

<sup>22</sup> *A Letter to the Chairman of the Buckinghamshire Meeting*, Works, VI, 296

<sup>23</sup> *Appeal*, Works, IV, 176

the people (with their consent), by the people (through the instrumentality of their natural leaders and representatives), and for the people (for their common and permanent good, but not for their vagrant and variant whims). He never dreamed of equating good government with enlightened despotism, or public-spirited aristocracy, or bureaucratic efficiency, or benevolent paternalism. He knew it required provision for the widest possible political education and the enlistment of all qualified persons in the processes of the state. But he feared that good government could not survive an inundation of political democracy in the then existing state of morals and education. During the crisis at the end of the American war he opposed the whole program of the 'democratical reform' party on strictly prudential grounds. If the 'people's' petitions had then been complied with, the state, he thought, "would have been convulsed, and a gate would have been opened through which all property might be sacked and ravaged."<sup>24</sup>

Against such a catastrophe he was always on guard. (Nothing was more characteristic of his social and political philosophy than a profound reverence and care for what he called 'prescription,' which summed up the whole long-standing system of property and civil-political relations. A man who held his property as an inheritance from his father, and his father's father before him, held by prescriptive right. Prescription was part of the natural law to which the human race owed obedience.) It implied that every durable social arrangement had been developed by certain needs and was the mode in which natural forces operated. All such arrangements, of course, were subject to mutation, since no pattern of life could be frozen. (But to rip and tear the prescriptive order was to wound and inflict the greatest pain on human beings; it was like stripping them naked in the cold. No political enterprise productive of such agony could ever be a legitimate party undertaking. Burke therefore barred the approaches to public power against all who held prescriptive right in contempt.)

The electorate of his times was ignorant, irresponsible, and limitlessly venal. He saw no reason to believe it could be improved merely by enlargement, or that a better House of Commons might be chosen by making it more 'representative.' During the American war he found the masses on the side of George III and his henchmen, and deaf to the statesmanlike utterances

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<sup>24</sup> *Letter to a Noble Lord*, Works, V, 185-6.

of the opposition leaders. Burke discerned in the masses (even in those with the vote) either a lumpish indifference or a fanaticism and impatience which seemed likely to find expression in release of an appetite for absolute and arbitrary power. He thought this evil was "so much to the depraved state of the vulgar" that almost all the dissensions that lacerated commonwealths concerned the hands in which it was to be placed: "Somewhere they are resolved to have it."<sup>25</sup> But the true statesman thought of the place in which political power was to be lodged "with no other attention than as it may render the more or the less practicable its salutary restraint and its prudent direction." For this reason no legislator had ever willingly placed the seat of active power in the hands of the multitude because there it admitted of no control, regulation, or steady direction. The people were the natural control on authority, but to exercise and control power at the same time was contradictory and impossible.<sup>26</sup>

(Burke respected as authoritative the judgment of "the most poor, illiterate, and uninformed creatures upon earth" in a question of practical oppression, because this was a matter of feeling and such persons were the best judges of that feeling. But for finding the real cause or right remedy he thought such people never should be called into council.<sup>27</sup> All human beings possessed inalienable natural rights, but the right to vote was not numbered among them. If such a right existed, it was purely conventional: the right to exercise a privilege conferred by the community on those deemed fit to enjoy it.) There were about eight million people in Great Britain in the last quarter of the eighteenth century, and Burke computed that "those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information . . . may amount to about four hundred thousand. There is such a thing as a natural representative of the people. This body is that representative. . . . This is the British public."<sup>28</sup> Within that body the voting franchise was distributed on no other principle than convention guided by prudence and convenience. (Burke would have enlarged (or reduced) the electorate if prudence (sound judgment on the welfare of the state) so decreed.) In his earliest political book he suggested that it might be "more in the spirit of our constitution, and more agreeable to the pattern of our best laws, by lessening

<sup>25</sup> *Appeal*, Works, IV, 163.

<sup>26</sup> *Ibid.*, 164.

<sup>27</sup> *Letter to Sir Hercules Langrishe* (1792), Works, IV, 281-2.

<sup>28</sup> *Letters on a Regicide Peace*, Works, V, 284-5.

the number, to add to the weight and independency of our voters."<sup>29</sup> He never changed that opinion, and yet without inconsistency he advocated removal of barriers to the exercise of the franchise by Dissenters and Roman Catholics, because he saw that proscriptive exclusions on religious principles accorded ill with the constitution.<sup>30</sup>

It was not a smaller or larger but a less corrupt and ignorant electorate, not a more representative but a less servile and demagogical Parliament, that the good of the state required. He thought a slavish obedience by Parliament to the passing whims and passions of the people was hardly less an evil than the subordination of Parliament by the court. The House of Commons, which embodied the democratic principle in the constitution, ought indeed to mirror the "feelings of the people," and when their demands did not militate against the "stable and eternal rules of justice and reason" those demands should bind the commons with the force of law. But although the people were in this sense the masters, they could only express their wishes "at large and in gross." Their chosen representatives were "the skillful workmen, to shape their desires into perfect form, and to fit the utensil to the use."<sup>31</sup> A member of Parliament owed his constituents a deep solicitude for their interests and the best judgments of his mind, but he was not properly the executor of their specific instructions: "Faithful watchmen we ought to be over the rights and privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them: we are not to go to school to them, to learn the principles of law and government."<sup>32</sup>

Burke's deep distrust of the democratic movement probably sprang less from his low opinion of the political capacity of the masses than from his vivid awareness of the difficulties and complexities in the art and science of government. The nature of man was intricate; society was not a simple mechanism but a complex organic composition that required painstaking study. The British constitution was not to be "estimated by superficial understandings." Wise thinkers would know it in its reason and spirit, and the less inquiring would recognize it in their feelings and experience; but only the "profoundly studied" could com-

<sup>29</sup> *Observations on a Late Publication intituled "The Present State of the Nation,"* Works, I, 370-1.

<sup>30</sup> *Letter to Langrishe,* Works, IV, 252.

<sup>31</sup> *Speech on Economical Reform* (1780), Works, II, 357.

<sup>32</sup> *Speech on the Duration of Parliaments* (1780), Works, VII, 74.

prehend "the elaborate contrivance of a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and, above all, with the institutions formed for bestowing permanence and stability, through ages, upon this invaluable whole"<sup>33</sup> To the reformers with their rationalistic, reorganizing panaceas, and to believers in the mysterious value of youth in high governmental positions (a superstition characteristic of revolutionary ages) (Burke replied that the art of government required "experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be."<sup>34</sup>) To make a government required no great prudence: you settled the seat of power, taught obedience, and the work was done. Any despot could govern with bayonets; any fool could give liberty by merely letting go the reins of power. But to form a free government by tempering the elements of liberty and restraint required "much thought, deep reflection, a sagacious, powerful, and combining mind."<sup>35</sup> To the doctrinaire argument that society was a contract to be dissolved and renewed at the pleasure of any generation, Burke replied that society was indeed a contract but of a very different nature from what disciples of Locke and Rousseau imagined. It was not "a partnership in things subservient only to the gross animal existence of a temporary and perishable nature," but "a partnership in all science, a partnership in all art, a partnership in every virtue, and in all perfection." It was "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." Each contract (or constitution) of each state was but "a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place."<sup>36</sup> Civil society, Burke admitted, began in many instances as a voluntary contractual act, but its continuance was under a permanent standing covenant attaching upon every member without any formal act of his own: "Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits; and without their choice they enter into a virtual obligation as bind-

<sup>33</sup> *Appeal*, Works, IV, 209-11

<sup>34</sup> *Reflections*, Works, III, 312.

<sup>35</sup> *Ibid.*, 559-60

<sup>36</sup> *Ibid.*, 359.

ing as any that is actual."<sup>37</sup> Hence neither the few nor the many had a right to act merely by their will in any matter connected with the obligations of the social covenant. Once the constitution of a country was settled upon some compact, tacit or expressed, none could alter it without the consent of all the parties. Such was the nature of a contract.<sup>38</sup>)

How would these high and abstruse political truths be recognized and respected in a democratized state? Burke feared its rulers would not even suspect their existence; and not perceiving the state to be a marvelous ordering of nature—a complex work of wisdom fashioned under divine ordinances—the rulers would not pay it reverence. They would change it “as often and as much and in as many ways as there are floating fancies or fashions.” Thus “the whole chain and continuity of the commonwealth would be broken; no one generation could link with the other; men would become little better than the flies of a summer.”<sup>39</sup> So would their dignity as persons be degraded; and their fitness for liberty, instead of increasing, would diminish. That would be no less ill for the state than for its citizens. For if good political society did not require the presence of every adult on the hustings, it did require that civil liberties be coextensive with the kingdom. Liberty was “not only a private blessing of the first order, but the vital spring and energy of the state itself.”<sup>40</sup> No state could flourish without a public spirit, and there could be no public spirit without liberty, which was “the portion of the mass of the citizens, and not the haughty license of some potent individual or some predominant faction.” Liberty, however, was something that public power could respect and protect, but could not create; it could not even exist unless men desired and cherished it; and Burke feared that “the love, and even the very idea, of genuine liberty was rare.”<sup>42</sup> Nor did it suffice for men to know and prize liberty; its foundation in the moral order had to be conserved. Men were “qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites . . . in proportion as their soundness and sobriety of understanding is above their vanity and presumption.” It was

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<sup>37</sup> *Appeal*, Works, IV, 165.

<sup>38</sup> *Ibid.*, 162.

<sup>39</sup> *Reflections*, Works, III, 357.

<sup>40</sup> *Letter to the Sheriffs of Bristol*, Works, II, 229.

<sup>41</sup> *Letter to Richard Burke on the Protestant Ascendancy in Ireland*, Works, VI, 390.

<sup>42</sup> *Speech at Bristol previous to the Election* (1780), Works, II, 416.

ordained in the eternal constitution of things that men of intemperate minds could not be free; their passions forged their fetters.<sup>43</sup> Burke's scrutiny of his age showed that the masses, according to this standard, hardly qualified for civil liberty, to say nothing of political privilege. Society could not exist unless a controlling power upon will and appetite were placed somewhere, and the less of it there was within, the more there had to be without; but Burke thought "it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist."<sup>44</sup> ✓

In the last analysis, it was his passion for the liberties that were the natural rights of men that inspired Burke's fear and hatred of the doctrines of Paine and Rousseau, and his opposition to all measures put forward on the ground of those doctrines. But his principles were not set in opposition to the democratization of the British state, if and when circumstances enabled such a development to strengthen the constitution by aiding morality, liberty, and political wisdom. He never denied that this was possible, because he knew the potentialities of the future were unpredictable and limitless. Viewing the American crisis in 1775, he thought experience showed "that many of those fundamental principles formerly believed infallible are either not of the importance they were imagined to be, or that we have not adverted to some other far more important and far more powerful principles which entirely overrule those we had considered as omnipotent."<sup>45</sup> The object was then wholly new in the world and new thoughts about it were required. Burke was always ready to face new facts and circumstances and revise his judgments in their light. The French Revolution provoked him to observe that the world of contingency and political combination was much larger than men were apt to imagine.<sup>46</sup> In spite of his instinctive dislike of change and innovation, he insisted that a state without the means of some change was without the means of its own conservation.<sup>47</sup> The law of change was in nature, and wise statesmen adjusted their policies to its necessities. By rendering change as gradual and insensible as possible they sought to accomplish it with the least violence, disorder, and pain in

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<sup>43</sup> *Letter to a Member of the National Assembly*, Works, IV, 51-2

<sup>44</sup> *Sheriffs of Bristol*, Works, II, 229

<sup>45</sup> *Speech on Conciliation with America*, Works, II, 129

<sup>46</sup> *Thoughts on French Affairs*, Works, IV, 349

<sup>47</sup> *Reflections*, Works, III, 259

human lives. They never resisted it blindly. "If a great change is to be made in human affairs," he wrote in 1791, "the minds of men will be fitted to it, the general opinions and feelings will draw that way. Every fear, every hope, will forward it; and then they who persist in opposing this mighty current in human affairs will appear rather to resist the decrees of Providence itself than the mere designs of men. They will not be resolute and firm, but perverse and obstinate."<sup>48</sup>

It is evident from the whole of the foregoing that Burke had a strong sense of mystery inhabiting the social organism, but he was not a mystic or an irrationalist. He was a realistic and scientific diagnostician of political bodies, but he knew how small was the knowledge even the wisest had of the nature of man and society. Minds were prone to extravagance and eccentricity. Reason was the rightful sovereign in man's psychic constitution, but its supremacy was precarious and it tottered when it transgressed its limits. The error of the rationalists was their attempt to travel rationally farther than reason could lead them; hence they left the world of reality for a fanciful world of mad metaphysical abstraction. They assumed an understanding of what they lacked the patience and humility to explore; they prescribed without diagnosing, and took their legislative remedies from the cupboard of theory, forgetting that the nature of any political entity "ought to be known before one can venture to say what is fit for its conservation."<sup>49</sup> Such knowledge was difficult to obtain and did not lend itself to mathematical or metaphysical generalizing; for commonwealths were not physical but moral essences. At the end of a lifetime of political study and experience Burke concluded that "we are not yet acquainted with the laws which necessarily influence the stability of that kind of work made by that kind of agent." The moral world furnished nothing "more determinate on that subject than what may serve as an amusement (liberal, indeed, and ingenious, but still only an amusement) for speculative men." He doubted that the history of mankind could ever be complete enough "to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a state."<sup>50</sup> Government, therefore, was not primarily a science but an art, and no exact definitions could be laid down for civil and political wisdom.

From the beginning Burke was an enemy of *a priori* theoriz-

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<sup>48</sup> *French Affairs, Works, IV*, 377.

<sup>49</sup> *Regicide Peace, Works, V*, 238.

<sup>50</sup> *Ibid.*, 234-5.



ing in political matters. What in our day is commonly called ideology Burke called metaphysical sophistry, and there was nothing he hated more. Nothing was more terrible than a man under the dominion of a monstrous theory; nothing could be conceived "more hard than the heart of a thorough-bred metaphysician." It was "like that of the Principle of Evil himself, incorporeal, pure, unmixed, dephlegmated, defecated evil."<sup>51</sup> Politics, he never tired of repeating, should be adjusted not to human reasoning, but to human nature, of which reason was but a part and by no means the greatest part. Men acted from adequate motives relative to their interests, not on metaphysical speculation. Political problems did not primarily concern truth or falsehood, but related to good and evil. Burke agreed with Aristotle, "the great master of reasoning," who had cautioned against "delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry."<sup>52</sup> He was never more in character than when he told the House of Commons in 1775 that it was "necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us because, after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations, not according to abstract ideas of right, by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling."<sup>53</sup> As a political physician, his genius and instinct were rather for research and diagnosis than for prescribing. Research always showed the novelty and uniqueness of the problem, which called for practical measures, not abstract theory. To the *a priori* schemers and legalistic theorists he opposed the inductive, empirical method of feeling out the ground, heaving "the lead every inch of the way," making sure that the measure was in accord with the objective need. To a member of the French National Assembly who reproached him for attacking the Revolution without suggesting another plan he answered "I must see with my own eyes . . . touch with my own hands, not only the fixed, but the momentary circumstances, before I could venture to suggest any political project whatsoever. I must know the power and disposition to accept, to execute, to persevere. I must see all the aids and all the obstacles. . . I must see the things; I must see the men. Without a con-

<sup>51</sup> *Noble Lord*, Works, V, 216

<sup>52</sup> *Conclusion*, Works, II, 170

<sup>53</sup> *Ibid*, 109

currence and adaptation of these to the design, the very best speculative projects might become not only useless, but mischievous. Plans must be made for men. We cannot think of making men, and binding nature to our designs."<sup>54</sup>

(There is a kind of theorizing into which one might expect, on first thought, that Burke would have fallen occasionally because of his deep reverence for the past and historic institutions. The nineteenth century was to abound with it in the various philosophies drawn from contemplation of the historical process. Comte, Hegel, Cousin, Gioberti, Friedrich Schlegel, Karl Marx, and many others gave expression to it by abstracting from universal or institutional history various rationalized generalizations. Thus philosophies of history became the ideological bases of revolutionary, or reactionary, political creeds and programs; and certain theories of institutional development—of the British constitution, for example—became the criteria for reforming institutions, which were conceived as the progressive realization of metaphysical purposes rather than accumulations of habit and experience made by successive generations adapting their behavior to circumstances.) But Burke's realism touched the past as well as the present, and he was too wise a historian to be a philosopher of history. He revered the past, almost to the extravagance of ancestor-worship, but understood perfectly that men could not draw from it an ideology to instruct them in managing the present. History was a "great improver of the understanding"; from it much wisdom was to be acquired, but "as habit, not as precept.") When men theorized from history, their minds turned "from the object before them, and from the present exigencies of the world";<sup>55</sup> they tended to become lovers of system rather than of truth. (Burke never made a thorough refutation of the errors of historical theorists, but he disposed of the main one when he rejected the argument for parliamentary reform advanced by those who fancied the constitution could justifiably be criticized as having fallen away from the principles it embodied.) How, he asked, "do you know the principles, but from the construction? . . . On what grounds do we go to restore our constitution to what it has been at some given period, or to reform and reconstruct it upon principles more conformable to a sound theory of government? A prescriptive government, such as ours, never was the work of any legislator, never was made upon any foregone the-

<sup>54</sup> Works, IV, 43-4.

<sup>55</sup> *Remarks on the Policy of the Allies with respect to France*, Works, IV, 468.

ory." It seemed to him "a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories which learned and speculative men have made from that government, and then, supposing it made on those theories which were made from it, to accuse the government as not corresponding to it."<sup>56</sup>

The foregoing quotations and many other similar passages have often been misunderstood, and the fact has given rise to the false idea that Burke exemplified the pragmatist or utilitarian mode of political thinking, which goes on the assumption that there is no order of metaphysical reality. It is true that he often praised utility and expediency as right principles of political action, but always on the condition that they were directed toward purposes inspired by a metaphysical and theological doctrine of human nature. If one were to subtract from Burke's political philosophy his religion and recognition of the natural law, it would indeed degenerate into an expedient-mongering pragmatism. But such subtraction is a murderous deformation of his thought. He did not despise metaphysics, but only the exaggerated claims of bad metaphysicians who substituted the easy conclusions of deductive logic and the lazy resort to general ideas for the knowledge and understanding that only patient investigation can yield. "I do not vilify theory and speculation," he protested, "no, because that would be to vilify reason itself. . . . Whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice."<sup>57</sup> When he said that neither he nor any other rational man governed himself by abstractions and universals, he did not put abstract ideas wholly out of the question, because that would be dismissing principles; and "without the guide and light of sound, well-understood principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion."<sup>58</sup>

But what did he mean by principles when he thus distinguished them from theory? This is probably the most important question to ask about the way his mind worked. He used the word in several senses. Sometimes he meant certain postulates of law and

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<sup>56</sup> *Speech on the Reform of the Representation of the Commons in Parliament*, Works, VII, 96-7.

<sup>57</sup> *Ibid.*, 97.

<sup>58</sup> *Speech on the Petition of the Unitarians*, Works, VII, 41.

morality, such as the principles of equity, liberty, and utility. Sometimes he meant the source or cause from which a thing proceeds: a power that acts continuously or uniformly to produce certain results. In this sense the legislative supremacy of Parliament was a principle of the British constitution. Or he meant some essential characteristic or property inhering in an object, such as the principle of equipoise in the constitution. There were other slightly differing meanings. He saw the principle of prescriptive right in the laws of property. In the Jacobin republic resided the principle of terror. A principle of royal favoritism operated in the system of the double cabinet, and was at war with the principle of administrative correspondence to the legislature; a principle of control was in the House of Commons—the people having a control on Parliament, and Parliament having a control on government. Always a principle meant an objective reality apprehended by the mind, but a theory was something manufactured by the mind—and usually by a presumptuous mind. Burke's thought was a ceaseless search for the principles that enabled men to understand practically the social and political world and make sound judgments upon it. Principles were what Montesquieu, whom Burke admired profoundly, called 'the spirit of the laws.' He was at his characteristic best in the great economical reform plan and speech in 1780. "What does it signify," he asked, "to promote economy upon a measure, and to suffer it to be subverted in the principle?"<sup>59</sup> He answered by showing that a mere reduction of expenditure was not the way to conserve or economize the resources of the state. To draft his plan of reform he eschewed all theory and made the most careful, objective study of the whole public economy in order to grasp the principles that rendered it intelligible. He approached his object in the spirit of the physician, who never thinks of taking his patient apart and putting him together again; who is cautious in using the knife and thinks of healing in terms of restoring to operation the organic principles of biological nature. "I found a great distemper in the commonwealth," he said, "and according to the nature of the evil and of the object, I treated it."<sup>60</sup>

(In his mind was a clear perception of the primacy of prudence in the order of cardinal virtues. To it he awarded the "entire dominion over every exercise of power";<sup>61</sup> it was not only "the

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<sup>59</sup> Works, II, 285.

<sup>60</sup> *Noble Lord*, Works, V, 185.

<sup>61</sup> *Sheriffs of Bristol*, Works, II, 226.

first in rank of the virtues political and moral," but "the director, the regulator, the standard of them all."<sup>62</sup> But he did not mean "that little, selfish, pitiful, bastard thing which sometimes goes by the name of a family in which it is not legitimate and to which it is a disgrace."<sup>63</sup> (He meant the high intellectual virtue of discernment, reasoning from all known facts, foresight, circumspection, precaution, astute judgment of actualities and probable consequences. In statesmanship prudence meant political action informed by principles and guided by circumstances; which were infinitely combined, variable and transient; which gave "to every political principle its distinguishing color and discriminating effect," and rendered "every civil and political scheme beneficial or noxious to mankind."<sup>64</sup>)

In the great debate over Parliament's right to tax the American colonies, Burke put aside all constitutional theory and pleaded for a strictly prudential consideration. He did not deny that such a right existed in the abstract, but he admonished the House that under certain circumstances the exercise of rights could be "the most odious of all wrongs and the most vexatious of all injustice."<sup>65</sup> He deplored the discussion of rights in the case, declared in exasperation that he hated the very sound of those "metaphysical distinctions," and branded them as "the great Serbonian bog . . . where armies whole have sunk." The question was not "whether you have a right to render your people miserable, but whether it is not your interest to make them happy."<sup>66</sup> On an occasion many years later, he told the House of Commons: "You can hardly state to me a case to which legislature is the most confessedly competent, in which, if the rules of benignity and prudence are not observed, the most mischievous and oppressive things may not be done. So that, after all, it is a moral and virtuous discretion, and not any abstract theory of right, which keeps governments faithful to their ends."<sup>67</sup>

(Prudence, therefore, required the sharpest discrimination of principles from theories. The British constitution had to be studied very thoughtfully if one was to perceive that it drew its nourishment from the principle of freedom and not from theories invented by lawyers. (Burke's adoration of the constitution, there-

<sup>62</sup> *Appeal*, Works, IV, 81

<sup>63</sup> *Economical Reform*, Works, II, 269

<sup>64</sup> *Reflections*, Works, III, 240

<sup>65</sup> *Conciliation*, Works, II, 138

<sup>66</sup> *Ibid.*, 140

<sup>67</sup> *Utilitarians*, Works, VII, 42

fore, did not blind him from seeing that strict definitions of crown or parliamentary authority made in a spirit of narrow legalism did not prosper the ancient prescriptive order, the organs of state needed flexibility and freedom to adapt to circumstances.) Good men were more important than good measures, and wise administration was more important than the laws themselves "Constitute government how you please," he wrote in 1770, "infinitely the greater part of it must depend on the exercise of the powers which are left at large to the prudence and uprightness of ministers of state"<sup>68</sup> (Prudence required statesmen to study the temper and opinion of the people, the spirit of the age, and to pay close regard to manners, which also were more important than laws; upon manners, indeed, the laws in great measure depended.<sup>69</sup> Prudence taught that politics was the art of the possible; in its light statesmen judged how much evil it might be wise to tolerate, in an inevitably imperfect world, if greater evil was to be avoided.) The prudent reformer always acted temperately, estimating the consequences of each step and guarding against the disgust and reaction that often resulted from "hot reformatiions"; and the greater the evil, the greater was the need for astute caution in attacking it. Thus Burke condemned unreservedly the anti-Catholic penal code of Ireland as violative of the natural law, but he was under no illusion that its abolition could or should be accomplished by one annihilating legislative blow. Step by step it should be undone, with each step prudently timed, not one violent and perhaps fatal operation in legal surgery, but a series of deft touches of the knife, each healing easily and calculated to make the next less shocking to the patient. For laws, he said—to change the metaphor—"like houses, lean on one another, and the operation is delicate. . . . A law may in some instances be a just subject of censure without being at all an object of repeal."<sup>70</sup>

Burke's prudence, however, never counseled peace, safety, and order for their own sake. When the Gordon Riots convulsed England in 1780, largely as a result of the Catholic Relief Act, which Burke had championed, he told his Bristol constituents that he liked the bill "the better on account of the events of all kinds that followed it." They had shown "clear evidence that there lurked a temper somewhere which ought not to be fostered by the laws"<sup>71</sup> Nor did his prudence ever enjoin that kind of 'facing the

<sup>68</sup> *Discontents*, Works, I, 470

<sup>69</sup> *Regicide Peace*, Works, V, 310

<sup>70</sup> *Poverty Laws*, Works, VI, 319

<sup>71</sup> *Speech at Bristol* (1780), Works, II, 419.

realities' which is the pusillanimous precept of the appeaser of the enemy. He was, after all, a crusading reformer, a battler for justice, and almost always in opposition to the government of the day. His prudence required that all the realities be apprehended in the spirit of courage and fortitude, and in the strong knowledge that these virtues are among the most important realities in the moral and political world. In the dark hour of 1796, when the great war turned against his country, when its allies fell away and many Englishmen lost the nerve to persevere, Burke warned them against "a false, reptile prudence, the result, not of caution, but of fear." Men, he said, were never authorized to abandon their country to its fate or to act or advise as if it had no resource. While their heart was whole, it would find new means when ordinary means failed, because the heart of the citizen was "a perennial spring of energy to the state."<sup>72</sup>

Englishmen alive today, and facing darker prospects than any their country has confronted since Burke's age, may perhaps draw encouragement from these counsels. There is no doubt that the whole Western world, and especially our own Republic, can drink healthfully from the fountain of wisdom that gushed forth from this man and will not run dry as long as his masterpieces remain in the libraries of our civilization. Never have his great maxims been more contemptuously ignored than during the catastrophic last half-century. Never have 'metaphysical sophistries' been so rampant as in this age, which has unhappily confirmed many of Burke's worst fears of democracy. It has been an age of doctrinaire 'planning,' or as Burke would have said, of 'scheming.' Its political leaders have forgotten the natural law, have set at defiance the abiding principles of the objective order, and fancied they could solve problems without analyzing their elements and nature. All the rationalistic errors of the age of Rousseau and Paine came coursing back with the upsurge of socialism, communism, and fascism; and hard upon them came the inevitable mad efforts of irrational will to enforce unreason in the name of reason. Another wave of 'epidemic fanaticism' engulfed the world and statesmen have been unable either to stand against it or to turn it back. Hence vast regions that formerly were fair provinces of a Christian and humane arrangement, have become somber scenes of moral and physical desolation. The evil has been done in part by men of truly diabolic purpose, but in larger measure it has been wrought by well-meaning men — some of them veritably bursting

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<sup>72</sup> *Regicide Peace*, Works, V, 239, 241.

with humanitarian benevolence — who have acted as the unwitting servants of inhuman social, economic, and political principles. It is ideological fanaticism — insane theorizing — far more than deliberate malevolent crime, that has driven millions of human beings from their ancestral homes and converted even more millions who once were free into so much plastic material to be molded by legislative architects in theoretical designs of living that deny the moral law. The omnipotent bureaucratic, 'planning' state, which throttled freedom two centuries ago, again has men in its clutches. And one may say of its masters what Burke said of the Jacobin zealots. "Their humanity is at their horizon — and, like the horizon, it always flies before them . . . These philosophers consider men in their experiments no more than they do mice in an air-pump or in a recipient of mephitic gas."<sup>73</sup>

These hateful features of 'the revolution of the twentieth century' — to borrow the phrase of Mr. Harold Laski — have amazed and mystified the people of the American Republic, which stands today, politically, economically, and morally, at the head of the Western world. The heights are dizzying, and we are not only astonished but alarmed by the spectacle presented to our eyes. Until recently we had always thought of ourselves as a new people, severed from an old world and founders of a new one. But now the perspective is altered. Our history seems to lengthen as we grow more aware of the ancestral inheritance that we share with older nations across the Atlantic, and of the heavy responsibilities that attach themselves upon us. We look into and re-examine ourselves. We contrast the freedom and richness of our life and the durability of our institutions, with the slavery, poverty, and abject ruin that have overtaken states and peoples in Europe. We begin to be awed by what appears as a wonderful work of wisdom built in obedience to the rules of Providence. We grow in appreciation of it and determination to conserve it. American democracy, organized in a republican representative government under a constitution a century and a half old, no longer appears as a revolutionary challenge to an old order, but as a majestic creation of the ages and the citadel of prescriptive right in Western Christendom. To the astonishment of some superficial observers, we emerged from the Second World War as the champions of a conservative cause: the cause of conserving law and liberty against totalitarian despotism. It is the same cause Burke championed when he defended the traditional rights of

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<sup>73</sup> *Noble Lord, Works, V*, 216-17



Englishmen in the American colonies against the autocratic 'schemers' who surrounded George III, and employed his powerful pen against the totalitarian terror and revolutionary imperialism of Jacobin France.

Nothing in modern history can be more instructively contemplated by Americans today than Burke's defense of this cause. He was the protagonist of the constructive English Revolution of 1688 against the destructive French Revolution of 1789, as we today are the protagonists of the Philadelphia freedom of 1776 against the Petrograd and Moscow enslavement of 1917. To succeed in our effort we must learn, as Burke learned, that "we have an important part of our very existence beyond our limits"<sup>71</sup> It would hardly have occurred to him to write those words in the early part of his career, for then he took the international world for granted (as we did not long ago) and gave little searching thought to it. He was insular and imperial-minded in his political viewpoint: English traditional liberties, the prescriptive order in state and society, the security of the British Empire—these were his prized values. It was not until the overthrow of the historic European order by the French Jacobins that he became vividly conscious of his country's membership in "the diplomatic republic of Europe." Only then did his writings come to abound with such expressions as "the commonwealth of Christian Europe" or the "great commonwealth of Christendom." In the age of the American Revolution he had a fine vision of a great Atlantic world, which he desired to preserve in peace and union. But when the French Revolution occurred, he saw something greater still, the common political civilization of Europe, which had been cradled in medieval Christendom and was the mother of all Western nations. He saw, that is, what we Americans are groping for today as we seek to organize a stable international order, and as we begin to suspect that the way to this end lies not through ideological schemes but through drawing out the harmonies that are potential in the real world of nations. "Men are not tied to one another by papers and seals," wrote Burke in 1796. "They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart. They approximate men to men without their knowledge,

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<sup>71</sup> *Regicide Peace*, Works, VI, 25

and sometimes against their intentions." Burke looked upon Europe and saw there a universal similitude of religion, laws, and manners; America too, he said, was part of that moral and political order. "The writers on public law," he said, "have often called this aggregate of nations a commonwealth. They had reason. It is virtually one great state, having the same basis of general law, with some diversity of provincial customs and local establishments."<sup>75</sup>

Burke, dying, saw this commonwealth riven and shattered, but statesmen who imbibed some of his wisdom managed to effect a partial restoration of it in 1814-15. In our century a vastly greater calamity has overwhelmed it, and no restoration has been accomplished. But the deepest instincts of our Republic lead us to set our hand to the task. If we are to succeed we shall have to find and follow leaders who possess something of Burke's quality.

Such men would reverence their country and their civilization and never dream of attempting to improve them by tearing up their institutions. They would face new problems with new solutions, but always acting as if they were "in the presence of canonized forefathers." They would study our republican political society and the international community of Western Christendom in the same spirit, with the same passion for knowing reality, that animated Burke's tireless effort to obtain practical understanding of his world. They would master principles. They would learn the arts of prudence. But to do so, they would need humility of mind and patient, laborious thought. It is easy to be a demagogue or a revolutionary, easy to blow up the world or devise a fanciful plan of ecumenical salvation. But those who would conserve a work of art and wisdom must study its nature carefully and adapt the treatment to the nature. Of this high intellectual virtue Burke was the exemplar and model. ¶

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<sup>75</sup> *Regicide Peace*, Works, V, 317-18.



BURKE'S  
POLITICS

THE italic paragraph mark ¶ is used to indicate the beginning and the end of the editorial commentary which precedes or follows each selection from Burke's writings and speeches.

— *The editors*



# I

## Discontents in the Kingdom

BURKE stepped onto the political stage in 1765, the year Parliament passed the Stamp Act. He was thirty-six years old, and since the publication of his first books<sup>1</sup> in 1756 he had gained a prominent position in London literary circles. He belonged to the brilliant group that had as its center the famous Dr. Samuel Johnson. For seven years he had edited the *Annual Register*, which reviewed the world of politics and literature. From 1761 to 1763 he had been in his native Ireland as confidential secretary to Sir William Gerard Hamilton, secretary to the lord-lieutenant. Enjoying an author's and editor's reputation for encyclopedic political knowledge, he was appointed private secretary to the Marquess of Rockingham, who in 1765 became George III's fourth Prime Minister. During Rockingham's short-lived administration (1765-6) Burke became a member of Parliament from the borough of Wendover in Buckinghamshire, and for many years thereafter he was the political manager and mentor of the Rockingham faction of the Whig party.

Thus he began his political career at a moment of profound crisis in the British state. Peace had come with the Treaty of Paris of 1763, after seven years of war in Europe, America, India, and on all the seas. Great British triumphs had been gained under the leadership of William Pitt, but he had been dismissed by the new King in 1761 and the peace seemed a dissipation of those triumphs. It was the work of a government headed by the Earl of Bute, a Scottish peer who was very unpopular with the English, but the personal choice, favorite, and political agent of the King. Bute was succeeded in 1763 by George Grenville, whose government carried the Stamp Act and intensified the growing crisis in North America. The Rockingham administration followed, and was noted chiefly for the repeal of that disastrous measure and for an almost suicidal incorruptibility in an age re-

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<sup>1</sup> *A Vindication of Natural Society*, and *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and the Beautiful*.

markable for political corruption. Burke won his first honors in Parliament at this time. Writing on March 9, 1766, Dr. Johnson said: "he has gained more reputation than perhaps any man at his first appearance ever gained before. He made two speeches in the House for repealing the Stamp Act, which were publicly commended by Mr. Pitt, and have filled the town with wonder. Mr. Burke is a great man by nature, and is expected soon to attain civil greatness."<sup>2</sup>

George III found the Rockingham Whigs unmanageable and dismissed the ministers a few months later. The Duke of Grafton, who had served as Secretary of State under Rockingham, accepted office as First Lord of the Treasury, but the leading member of his government was Pitt, who now entered the House of Lords as the Earl of Chatham. This circumstance diminished the prestige of the "great Commoner" and soon illness effectually removed him from influence. The Grafton government underwent a reconstitution in December 1767, but remained a leaderless group of politicians. Elections the next year were marked by unusually great corruption and disorder and produced a House of Commons that was at once subservient to the court and unresponsive to the nation. In January 1770 the King appointed Lord North head of the government. His was the seventh ministry in less than ten years.

These frequent changes of administration reflected the chaotic political conditions of the age. The global war that had been waged against the French and Spanish empires had revolutionized by magnifying, the whole machinery of the state. New problems arising from expanded empire abroad had conspired with post-war disillusionment and moral let-down at home to produce revolutionary agitations and disorders. The Whigs, who had governed the country during the reigns of George I and George II, were split into warring factions. Pitt had popularized the idea of personal rule instead of government by party. The new King, who was the first native-born British sovereign since the expulsion of the Stuarts in 1688, had Tory supporters who no longer cherished the aim of a Jacobite restoration. Hence he promoted the Whig disintegration and a revival of Toryism in order to form a court party as an instrument of personal government by himself. Burke watched this constitutional crisis deepen and in 1770 diagnosed it in one of the masterpieces of political literature: *Thoughts on the Cause of the Present Discontents*.

<sup>2</sup> Boswell's *Life of Samuel Johnson* (Everyman's Library edition), I, 320.

According to his analysis, the source of the trouble was a clique of court politicians bent on destroying the influence of public men who possessed independent standing in the country, transforming Parliament from a representation of the people into an instrument of the court, and introducing "a new scheme of government" that operated against "the spirit of the whole constitution." The professed design was to liberate people and state from aristocratic and oligarchical privilege, but the real purpose was absolute monarchy. Power had been gathered into the hands of men who had "no connection with the sentiments and opinions of the people," and who therefore introduced "a great spirit of innovation, and a general disorder in all the functions of government." This faction of "the King's friends," Burke believed, was not making the King strong, but the state weak; it was less a conspiracy than a political disease; it was rendering government "at once odious and feeble." The cure, he argued, lay in the revival of party government in a House of Commons purged of court corruption and responsive to the electorate. His exposition of the crisis follows: <sup>a</sup> ¶

. . . To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of the greatest part of mankind; indeed the necessary effects of the ignorance and levity of the vulgar. Such complaints and humors have existed in all times; yet as all times have not been alike, true political sagacity manifests itself in distinguishing that complaint which only characterizes the general infirmity of human nature from those which are symptoms of the particular distemperature of our own air and season.

Nobody, I believe, will consider it merely as the language of spleen or disappointment if I say that there is something particularly alarming in the present conjuncture. There is hardly a man, in or out of power, who holds any other language. That government is at once dreaded and contemned; that the laws are despoiled of all their respected and salutary terrors; that their inaction is a subject of ridicule, and their exertion of abhorrence; that rank, and office and title, and all the solemn plausibilities of the world, have lost their reverence and effect; that our foreign politics are as much deranged as our domestic economy; that our dependencies are slackened in their affection, and loosened from

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<sup>a</sup> Works, I, 435-537.



their obedience; that we know neither how to yield nor how to enforce; that hardly anything above or below, abroad or at home, is sound and entire; but that disconnection and confusion, in offices, in parties, in families, in Parliament, in the nation, prevail beyond the disorders of any former time: these are facts universally admitted and lamented.

This state of things is the more extraordinary because the great parties which formerly divided and agitated the kingdom are known to be in a manner entirely dissolved. No great external calamity has visited the nation; no pestilence or famine. We do not labor at present under any scheme of taxation new or oppressive in the quantity or in the mode. Nor are we engaged in unsuccessful war; in which our misfortunes might easily pervert our judgment; and our minds, sore from the loss of national glory, might feel every blow of fortune as a crime in government.

It is impossible that the cause of this strange distemper should not sometimes become a subject of discourse. It is a compliment due, and which I willingly pay, to those who administer our affairs, to take notice in the first place of their speculation. Our ministers are of opinion that the increase of our trade and manufactures, that our growth by colonization, and by conquest, have concurred to accumulate immense wealth in the hands of some individuals; and this again being dispersed among the people has rendered them universally proud, ferocious, and ungovernable; that the insolence of some from their enormous wealth, and the boldness of others from a guilty poverty, have rendered them capable of the most atrocious attempts; so that they have trampled upon all subordination, and violently borne down the unarmed laws of a free government; barriers too feeble against the fury of a populace so fierce and licentious as ours. They contend that no adequate provocation has been given for so spreading a discontent, our affairs having been conducted throughout with remarkable temper and consummate wisdom. The wicked industry of some libelers, joined to the intrigues of a few disappointed politicians, have, in their opinion, been able to produce this unnatural ferment in the nation.

Nothing indeed can be more unnatural than the present convulsions of this country, if the above account be a true one. I confess I shall assent to it with great reluctance, and only on the compulsion of the clearest and firmest proofs; because their account resolves itself into this short, but discouraging proposition, "That we have a very good ministry, but that we are a very bad

people"; that we set ourselves to bite the hand that feeds us; that with a malignant insanity we oppose the measures, and ungratefully vilify the persons, of those whose sole object is our own peace and prosperity. If a few puny libelers, acting under a knot of factious politicians, without virtue, parts, or character (such they are constantly represented by these gentlemen), are sufficient to excite this disturbance, very perverse must be the disposition of that people amongst whom such a disturbance can be excited by such means. It is besides no small aggravation of the public misfortune that the disease, on this hypothesis, appears to be without remedy. If the wealth of the nation be the cause of its turbulence, I imagine it is not proposed to introduce poverty as a constable to keep the peace. If our dominions abroad are the roots which feed all this rank luxuriance of sedition, it is not intended to cut them off in order to famish the fruit. If our liberty has enfeebled the executive power, there is no design, I hope, to call in the aid of despotism to fill up the deficiencies of law. Whatever may be intended, these things are not yet professed. We seem therefore to be driven to absolute despair; for we have no other materials to work upon but those out of which God has been pleased to form the inhabitants of this island. . . .

I am not one of those who think that the people are never in the wrong. They have been so, frequently and outrageously, both in other countries and in this. But I do say that in all disputes between them and their rulers, the presumption is at least upon a par in favor of the people. . . . When popular discontents have been very prevalent, it may well be affirmed and supported that there has been generally something found amiss in the constitution, or in the conduct of government. The people have no interest in disorder. When they do wrong, it is their error, and not their crime. But with the governing part of the state, it is far otherwise. They certainly may act ill by design, as well as by mistake. . . .

Upon a supposition, therefore, that, in the opening of the cause, the presumptions stand equally balanced between the parties, there seems sufficient ground to entitle any person to a fair hearing who attempts some other scheme beside that easy one which is fashionable in some fashionable companies, to account for the present discontents. It is not to be argued that we endure no grievance because our grievances are not of the same sort with those under which we labored formerly; not precisely those which we bore from the Tudors, or vindicated on the Stuarts. A great change has taken place in the affairs of this country. For in the silent lapse of

events as material alterations have been insensibly brought about in the policy and character of governments and nations as those which have been marked by the tumult of public revolutions.

It is very rare indeed for men to be wrong in their feelings concerning public misconduct; as rare to be right in their speculation upon the cause of it. I have constantly observed that the generality of people are fifty years, at least, behindhand in their politics. There are but very few who are capable of comparing and digesting what passes before their eyes at different times and occasions, so as to form the whole into a distinct system. But in books everything is settled for them, without the exertion of any considerable diligence or sagacity. For which reason men are wise with but little reflection, and good with little self-denial, in the business of all times except their own. We are very uncorrupt and tolerably enlightened judges of the transactions of past ages; where no passions deceive, and where the whole train of circumstances, from the trifling cause to the tragical event, is set in an orderly series before us. Few are the partisans of departed tyranny; and to be a Whig on the business of an hundred years ago, is very consistent with every advantage of present servility. This retrospective wisdom, and historical patriotism, are things of wonderful convenience, and serve admirably to reconcile the old quarrel between speculation and practice. Many a stern republican, after gorging himself with a full feast of admiration of the Grecian commonwealths and of our true Saxon constitution, and discharging all the splendid bile of his virtuous indignation on King John and King James, sits down perfectly satisfied to the coarsest work and homeliest job of the day he lives in. I believe there was no professed admirer of Henry the Eighth among the instruments of the last King James; nor in the court of Henry the Eighth was there, I dare say, to be found a single advocate for the favorites of Richard the Second.

No complaisance to our court, or to our age, can make me believe nature to be so changed but that public liberty will be among us as among our ancestors, obnoxious to some person or other; and that opportunities will be furnished for attempting, at least, some alteration to the prejudice of our constitution. These attempts will naturally vary in their mode according to times and circumstances. For ambition, though it has ever the same general views, has not at all times the same means, nor the same particular objects. . . .

Every age has its own manners, and its politics dependent upon them; and the same attempts will not be made against a constitu-

tion fully formed and matured that were used to destroy it in the cradle, or to resist its growth during its infancy.

Against the being of Parliament, I am satisfied, no designs have ever been entertained since the Revolution.<sup>4</sup> Everyone must perceive that it is strongly the interest of the court to have some second cause interposed between the ministers and the people. The gentlemen of the House of Commons have an interest equally strong in sustaining the part of that intermediate cause. . . . Accordingly those who have been of the most known devotion to the will and pleasure of a court have, at the same time, been most forward in asserting a high authority in the House of Commons. When they knew who were to use that authority, and how it was to be employed, they thought it never could be carried too far. It must be always the wish of an unconstitutional statesman that a House of Commons, who are entirely dependent upon him, should have every right of the people entirely dependent upon their pleasure. It was soon discovered, that the forms of a free and the ends of an arbitrary government were things not altogether incompatible.

### *The Crown and the Rise of Influence*

The power of the crown, almost dead and rotten as prerogative, has grown up anew, with much more strength, and far less odium, under the name of influence. An influence which operated without noise and without violence; an influence which converted the very antagonist into the instrument of power; which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a prerogative that, being only the offspring of antiquated prejudices, had molded in its original stamina irresistible principles of decay and dissolution. . . .

At the Revolution, the crown, deprived, for the ends of the Revolution itself, of many prerogatives, was found too weak to struggle against all the difficulties which pressed so new and unsettled a government. The court was obliged therefore to delegate a part of its powers to men of such interest as could support, and of such fidelity as would adhere to, its establishment. Such men were able to draw in a greater number to a concurrence in the common defense. This connection, necessary at first, continued long after convenient; and properly conducted might indeed, in

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<sup>4</sup> The Whig Revolution against James II in 1688-9.

all situations, be a useful instrument of government. At the same time, through the intervention of men of popular weight and character, the people possessed a security for their just proportion of importance in the state. But as the title to the crown grew stronger by long possession and by the constant increase of its influence, these helps have of late seemed to certain persons no better than encumbrances. The powerful managers for government were not sufficiently submissive to the pleasure of the possessors of immediate and personal favor, sometimes from a confidence in their own strength, natural and acquired; sometimes from a fear of offending their friends, and weakening that lead in the country which gave them a consideration independent of the court. Men acted as if the court could receive, as well as confer, an obligation. The influence of government, thus divided in appearance between the court and the leaders of parties, became in many cases an accession rather to the popular than to the royal scale; and some part of that influence, which would otherwise have been possessed as in a sort of mortmain and unalienable domain, returned again to the great ocean from whence it arose, and circulated among the people. This method, therefore, of governing by men of great natural interest or great acquired consideration was viewed in a very invidious light by the true lovers of absolute monarchy. It is the nature of despotism to abhor power held by any means but its own momentary pleasure; and to annihilate all intermediate situations between boundless strength on its own part and total debility on the part of the people.

To get rid of all this intermediate and independent importance, and *to secure to the court the unlimited and uncontrolled use of its own vast influence, under the sole direction of its own private favor*, has for some years past been the great object of policy. If this were compassed, the influence of the crown must of course produce all the effects which the most sanguine partisans of the court could possibly desire. Government might then be carried on without any concurrence on the part of the people; without any attention to the dignity of the greater or to the affections of the lower sorts. A new project was therefore devised by a certain set of intriguing men, totally different from the system of administration which had prevailed since the accession of the house of Brunswick.<sup>5</sup> This project, I have heard, was first conceived by some persons in the court of Frederick Prince of Wales.

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<sup>5</sup> Also called house of Hanover. George I (1714-27) was Elector of Hanover; so were the four succeeding British sovereigns, until the accession of Victoria in 1837.

The earliest attempt in the execution of this design was to set up for minister a person, in rank indeed respectable, and very ample in fortune; but who, to the moment of this vast and sudden elevation, was little known or considered in the kingdom.<sup>6</sup> To him the whole nation was to yield an immediate and implicit submission. But whether it was from want of firmness to bear up against the first opposition; or that things were not yet fully ripened, or that this method was not found the most eligible; that idea was soon abandoned. The instrumental part of the project was a little altered, to accommodate it to the time and to bring things more gradually and more surely to the one great end proposed.

The first part of the reformed plan was to draw *a line which should separate the court from the ministry*. Hitherto these names had been looked upon as synonymous; but for the future, court and administration were to be considered as things totally distinct. By this operation, two systems of administration were to be formed: one which should be in the real secret and confidence; the other merely ostensible to perform the official and executory duties of government. The latter were alone to be responsible; whilst the real advisers, who enjoyed all the power, were effectually removed from all the danger.

Secondly, *a party under these leaders was to be formed in favor of the court against the ministry*: this party was to have a large share in the emoluments of government, and to hold it totally separate from, and independent of, ostensible administration.

The third point, and that on which the success of the whole scheme ultimately depended, was *to bring Parliament to an acquiescence in this project*. Parliament was therefore to be taught by degrees a total indifference to the persons, rank, influence, abilities, connections, and character of the ministers of the crown. . . . As, hitherto, business had gone through the hands of leaders of Whigs or Tories, men of talents to conciliate the people and to engage their confidence, now the method was to be altered, and the lead was to be given to men of no sort of consideration or credit in the country. This want of natural importance was to be their very title to delegated power. Members of Parliament were to be hardened into an insensibility to pride as well as to duty. Those high and haughty sentiments which are the great support of independence were to be let down gradually. Points of honor and precedence were no more to be regarded in parliamentary decorum than in a

<sup>6</sup> The Scotch Earl of Bute, Secretary of State in 1761 and First Lord of the Treasury, 1762-3.

Turkish army. It was to be avowed, as a constitutional maxim, that the king might appoint one of his footmen or one of your footmen for minister; and that he ought to be, and that he would be, as well followed as the first name for rank or wisdom in the nation. Thus Parliament was to look on as if perfectly unconcerned, while a cabal of the closet and back-stairs was substituted in the place of a national administration.

With such a degree of acquiescence, any measure of any court might well be deemed thoroughly secure. The capital objects, and by much the most flattering characteristics of arbitrary power, would be obtained. Everything would be drawn from its holdings in the country to the personal favor and inclination of the prince. This favor would be the sole introduction to power, and the only tenure by which it was to be held; so that no person looking towards another, and all looking towards the court, it was impossible but that the motive which solely influenced every man's hopes must come in time to govern every man's conduct; till at last the servility became universal, in spite of the dead letter of any laws or institutions whatsoever.

### *George III and the "Court Faction"*

How it should happen that any man could be tempted to venture upon such a project of government may at first view appear surprising. But the fact is that opportunities very inviting to such an attempt have offered; and the scheme itself was not destitute of some arguments, not wholly unpalatable, to recommend it. These opportunities and these arguments, the use that has been made of both, the plan for carrying this new scheme of government into execution, and the effects which it has produced are, in my opinion, worthy of our serious consideration.

His Majesty came to the throne of these kingdoms with more advantages than any of his predecessors since the Revolution. . . . The person and cause of the Pretender were become contemptible; his title disowned throughout Europe; his party disbanded in England.<sup>7</sup> His Majesty came, indeed, to the inheritance of a mighty war; but, victorious in every part of the globe, peace was always in his power, not to negotiate, but to dictate. No foreign habitudes or attachments withdrew him from the cultivation of his power at home. His revenue for the civil establishment, fixed (as it was then thought) at a large, but definite sum, was ample without

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<sup>7</sup> Charles Edward Stuart, grandson of James II, in 1745 had failed ignominiously to vindicate his royal pretensions by heading an armed uprising against George II. Thereafter the Stuart cause was hopeless.

being invidious; his influence, by additions from conquest, by an augmentation of debt, by an increase of military and naval establishment, much strengthened and extended. And coming to the throne in the prime and full vigor of youth, as from affection there was a strong dislike, so from dread there seemed to be a general averseness from giving anything like offense to a monarch against whose resentment opposition could not look for a refuge in any sort of reversionary hope.

These singular advantages inspired his Majesty only with a more ardent desire to preserve unimpaired the spirit of that national freedom to which he owed a situation so full of glory. But to others it suggested sentiments of a very different nature. They thought they now beheld an opportunity (by a certain sort of statesmen never long undiscovered or unemployed) of drawing to themselves by the aggrandizement of a court faction a degree of power which they could never hope to derive from natural influence or from honorable service. . . .

To recommend this system to the people, a perspective view of the court, gorgeously painted, and finely illuminated from within, was exhibited to the gaping multitude. Party was to be totally done away, with all its evil works. Corruption was to be cast down from court, as *Atè* was from heaven. Power was thenceforward to be the chosen residence of public spirit; and no one was to be supposed under any sinister influence except those who had the misfortune to be in disgrace at court, which was to stand in lieu of all vices and all corruptions. A scheme of perfection to be realized in a monarchy far beyond the visionary republic of Plato. The whole scenery was exactly disposed to captivate those good souls whose credulous morality is so invaluable a treasure to crafty politicians. . . . Now was the time to unlock the sealed fountain of royal bounty, which had been infamously monopolized and huckstered, and to let it flow at large upon the whole people. The time was come to restore royalty to its original splendor. . . . And it was constantly in the mouths of all the runners of the court that nothing could preserve the balance of the constitution from being overturned by the rabble, or by a faction of the nobility, but to free the sovereign effectually from that ministerial tyranny under which the royal dignity had been oppressed in the person of his Majesty's grandfather.<sup>8</sup> . . .

One of the principal topics which was then, and has been since, much employed by that political school is an affected terror of the

<sup>8</sup> George II (1727-60) and the Whig peers who ruled the country in his reign.



growth of an aristocratic power prejudicial to the rights of the crown and the balance of the constitution. . . .

I am no friend to aristocracy, in the sense at least in which that word is usually understood. If it were not a bad habit to moot cases on the supposed ruin of the constitution, I should be free to declare that if it must perish, I would rather by far see it resolved into any other form than lost in that austere and insolent domination. But, whatever my dislikes may be, my fears are not upon that quarter. The question on the influence of a court and of a peerage is not which of the two dangers is the more eligible, but which is the more imminent. He is but a poor observer who has not seen that the generality of peers, far from supporting themselves in a state of independent greatness, are but too apt to fall into an oblivion of their proper dignity, and to run headlong into an abject servitude. Would to God it were true that the fault of our peers were too much spirit. It is worthy of some observation that these gentlemen, so jealous of aristocracy, make no complaints of the power of those peers (neither few nor inconsiderable) who are always in the train of a court, and whose whole weight must be considered as a portion of the settled influence of the crown. This is all safe and right; but if some peers (I am very sorry they are not as many as they ought to be) set themselves, in the great concern of peers and commons, against a back-stairs influence and clandestine government, then the alarm begins; then the constitution is in danger of being forced into an aristocracy.

I rest a little the longer on this court topic because it was much insisted upon at the time of the great change,<sup>9</sup> and has been since frequently revived by many of the agents of that party; for, whilst they are terrifying the great and opulent with the horrors of mob-government, they are by other managers attempting (though hitherto with little success) to alarm the people with a phantom of tyranny in the nobles. All this is done upon their favorite principle of disunion, of sowing jealousies amongst the different orders of the state, and of disjointing the natural strength of the kingdom; that it may be rendered incapable of resisting the sinister designs of wicked men who have engrossed the royal power.

Thus much of the topics chosen by the courtiers to recommend their system; it will be necessary to open a little more at large the nature of that party which was formed for its support. . . . As a powerful party, and a party constructed on a new principle, it is a very inviting object of curiosity.

<sup>9</sup> From the Pitt-Newcastle government formed under George II to the Bute government formed in 1761-2.

It must be remembered that since the Revolution, until the period we are speaking of, the influence of the crown had been always employed in supporting the ministers of state, and in carrying on the public business according to their opinions. But the party now in question is formed upon a very different idea. It is to intercept the favor, protection, and confidence of the crown in the passage to its ministers; it is to come between them and their importance in Parliament; it is to separate them from all their natural and acquired dependencies; it is intended as the control, not the support, of administration. The machinery of this system is perplexed in its movements, and false in its principle. It is formed on a supposition that the king is something external to his government; and that he may be honored and aggrandized, even by its debility and disgrace. The plan proceeds expressly on the idea of enfeebling the regular executory power. It proceeds on the idea of weakening the state in order to strengthen the court. . . .

### *The Method of the Cabal*

As a foundation of their scheme, the cabal have established a sort of *rota* in the court. All sorts of parties, by this means, have been brought into administration; from whence few have had the good fortune to escape without disgrace; none at all without considerable losses. In the beginning of each arrangement no professions of confidence and support are wanting to induce the leading men to engage. But while the ministers of the day appear in all the pomp and pride of power, while they have all their canvas spread out to the wind, and every sail filled with the fair and prosperous gale of royal favor, in a short time they find, they know not how, a current which sets directly against them: which prevents all progress, and even drives them backwards. . . . They are obliged either to execute the orders of their inferiors, or to see themselves opposed by the natural instruments of their office. With the loss of their dignity they lose their temper. In their turn they grow troublesome to that cabal which, whether it supports or opposes, equally disgraces and equally betrays them. It is soon found necessary to get rid of the heads of administration; but it is of the heads only. As there always are many rotten members belonging to the best connections, it is not hard to persuade several to continue in office without their leaders. By this means the party goes out much thinner than it came in; and is only reduced in strength by its temporary possession of power. . . .

They contrive to form in the outward administration two parties at the least; which, whilst they are tearing one another to pieces,

are both competitors for the favor and protection of the cabal; and, by their emulation, contribute to throw everything more and more into the hands of the interior managers.

A minister of state will sometimes keep himself totally estranged from all his colleagues; will differ from them in their councils, will privately traverse, and publicly oppose, their measures. He will, however, continue in his employment. Instead of suffering any mark of displeasure, he will be distinguished by an unbounded profusion of court rewards and caresses; because he does what is expected, and all that is expected, from men in office. He helps to keep some form of administration in being, and keeps it at the same time as weak and divided as possible.

However, we must take care not to be mistaken, or to imagine that such persons have any weight in their opposition. When, by them, administration is convinced of its insignificancy, they are soon to be convinced of their own. They never are suffered to succeed in their opposition. They and the world are to be satisfied that neither office, nor authority, nor property, nor ability, eloquence, counsel, skill, or union, are of the least importance; but that the mere influence of the court, naked of all support, and destitute of all management, is abundantly sufficient for all its own purposes.

When any adverse connection is to be destroyed, the cabal seldom appear in the work themselves. They find out some person of whom the party entertains a high opinion. Such a person they endeavor to delude with various pretenses. They teach him first to distrust and then to quarrel with his friends; among whom, by the same arts, they excite a similar diffidence of him; so that in this mutual fear and distrust he may suffer himself to be employed as the instrument in the change which is brought about. Afterwards they are sure to destroy him in his turn, by setting up in his place some person in whom he had himself reposed the greatest confidence, and who serves to carry off a considerable part of his adherents. . . .

That this body may be enabled to compass all the ends of its institution, its members are scarcely ever to aim at the high and responsible offices of the state. They are distributed with art and judgment through all the secondary, but efficient, departments of office, and through the households of all the branches of the royal family: so as on one hand to occupy all the avenues to the throne; and on the other to forward or frustrate the execution of any measure, according to their own interests. . . .

The members of the court faction are fully indemnified for not

holding places on the slippery heights of the kingdom, not only by the lead in all affairs, but also by the perfect security in which they enjoy less conspicuous, but very advantageous situations. Their places are in express legal tenure, or, in effect, all of them for life. Whilst the first and most respectable persons in the kingdom are tossed about like tennis-balls, the sport of a blind and insolent caprice, no minister dares even to cast an oblique glance at the lowest of their body. If an attempt be made upon one of this corps, immediately he flies to sanctuary, and pretends to the most inviolable of all promises. No conveniency of public arrangement is available to remove any one of them from the specific situation he holds; and the slightest attempt upon one of them, by the most powerful minister, is a certain preliminary to his own destruction. . . .

Here is a sketch, though a slight one, of the constitution, laws, and policy of this new court corporation. The name by which they choose to distinguish themselves is that of *king's men* or the *king's friends*, by an invidious exclusion of the rest of his Majesty's most loyal and affectionate subjects. The whole system, comprehending the exterior and interior administrations, is commonly called, in the technical language of the court, *double cabinet*; in French or English, as you choose to pronounce it.

Whether all this be a vision of a distracted brain, or the invention of a malicious heart, or a real faction in the country, must be judged by the appearances which things have worn for eight years past. Thus far I am certain that there is not a single public man, in or out of office, who has not, at some time or other, borne testimony to the truth of what I have now related. . . .

It may appear somewhat affected that in so much discourse upon this extraordinary party I should say so little of the Earl of Bute, who is the supposed head of it. But this was neither owing to affectation nor inadvertence. I have carefully avoided the introduction of personal reflections of any kind. Much the greater part of the topics which have been used to blacken this nobleman are either unjust or frivolous. At best, they have a tendency to give the resentment of this bitter calamity a wrong direction, and to turn a public grievance into a mean, personal, or a dangerous national quarrel. Where there is a regular scheme of operations carried on, it is the system, and not any individual person who acts in it, that is truly dangerous. This system has not arisen solely from the ambition of Lord Bute, but from the circumstances which favored it, and from an indifference to the constitution which had been for some time growing among our gentry. . . .

It is this unnatural infusion of a *system of favoritism* into a government which in a great part of its constitution is popular that has raised the present ferment in the nation. The people, without entering deeply into its principles, could plainly perceive its effects, in much violence, in a great spirit of innovation, and a general disorder in all the functions of government. . . . This is the fountain of all those bitter waters of which, through a hundred different conduits, we have drunk until we are ready to burst. The discretionary power of the crown in the formation of ministry, abused by bad or weak men, has given rise to a system which, without directly violating the letter of any law, operates against the spirit of the whole constitution.

### *A System at Variance with the Constitution*

A plan of favoritism for our executory government is essentially at variance with the plan of our legislature. One great end undoubtedly of a mixed government like ours, composed of monarchy, and of controls, on the part of the higher people and the lower, is that the prince shall not be able to violate the laws. This is useful indeed and fundamental. But this, even at first view, is no more than a negative advantage — an armor merely defensive. It is therefore next in order, and equal in importance, *that the discretionary powers which are necessarily vested in the monarch, whether for the execution of the laws, or for the nomination to magistracy and office, or for conducting the affairs of peace and war, or for ordering the revenue, should all be exercised upon public principles and national grounds, and not on the likings or prejudices, the intrigues or policies, of a court.* This, I said, is equal in importance to the securing a government according to law. The laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depends upon them. Without them your commonwealth is no better than a scheme upon paper, and not a living, active, effective constitution. It is possible that through negligence, or ignorance, or design artfully conducted, ministers may suffer one part of government to languish, another to be perverted from its purposes, and every valuable interest of the country to fall into ruin and decay, without possibility of fixing any single act on which a criminal prosecution can be justly grounded. The due arrangement of men in the active part of the state, far from being foreign to the purposes of a wise government, ought to be among

its very first and dearest objects. When, therefore, the abettors of the new system tell us that between them and their opposers there is nothing but a struggle for power, and that therefore we are no ways concerned in it; we must tell those who have the impudence to insult us in this manner that, of all things, we ought to be the most concerned who and what sort of men they are that hold the trust of everything that is dear to us. Nothing can render this a point of indifference to the nation but what must either render us totally desperate or soothe us into the security of idiots. We must soften into a credulity below the milkiness of infancy to think all men virtuous. We must be tainted with a malignity truly diabolical to believe all the world to be equally wicked and corrupt. Men are in public life as in private, some good, some evil. The elevation of the one, and the depression of the other, are the first objects of all true policy. But that form of government which neither in its direct institutions nor in their immediate tendency has contrived to throw its affairs into the most trustworthy hands, but has left its whole executory system to be disposed of agreeably to the uncontrolled pleasure of any one man, however excellent or virtuous, is a plan of polity defective not only in that member, but consequentially erroneous in every part of it.

In arbitrary governments, the constitution of the ministry follows the constitution of the legislature. Both the law and the magistrate are the creatures of will. It must be so. Nothing, indeed, will appear more certain, on any tolerable consideration of this matter, than that *every sort of government ought to have its administration correspondent to its legislature*. If it should be otherwise, things must fall into a hideous disorder. The people of a free commonwealth, who have taken such care that their laws should be the result of general consent, cannot be so senseless as to suffer their executory system to be composed of persons on whom they have no dependence, and whom no proofs of the public love and confidence have recommended to those powers upon the use of which the very being of the state depends.

The popular election of magistrates, and popular disposition of rewards and honors, is one of the first advantages of a free state. Without it, or something equivalent to it, perhaps the people cannot long enjoy the substance of freedom; certainly none of the vivifying energy of good government. The frame of our commonwealth did not admit of such an actual election; but it provided as well, and (while the spirit of the constitution is preserved) better for all the effects of it than by the method of suffrage in any democratic state whatsoever. It had always, until of

late, been held the first duty of Parliament *to refuse to support government until power was in the hands of persons who were acceptable to the people, or while factions predominated in the court in which the nation had no confidence.* Thus all the good effects of popular election were supposed to be secured to us, without the mischiefs attending on perpetual intrigue, and a distinct canvass for every particular office throughout the body of the people. This was the most noble and refined part of our constitution. The people, by their representatives and grandees, were entrusted with a deliberative power in making laws; the king with the control of his negative. The king was entrusted with the deliberative choice and the election to office, the people had the negative in a parliamentary refusal to support. Formerly this power of control was what kept ministers in awe of Parliaments, and Parliaments in reverence with the people. If the use of this power of control on the system and persons of administration is gone, everything is lost, Parliament and all. We may assure ourselves that if Parliament will tamely see evil men take possession of all the strongholds of their country, and allow them time and means to fortify themselves, under a pretense of giving them a fair trial, and upon a hope of discovering whether they will not be reformed by power, and whether their measures will not be better than their morals, such a Parliament will give countenance to their measures also, whatever that Parliament may pretend, and whatever those measures may be.

Every good political institution must have a preventive operation as well as a remedial. It ought to have a natural tendency to exclude bad men from government, and not to trust for the safety of the state to subsequent punishment alone—punishment which has ever been tardy and uncertain, and which, when power is suffered in bad hands, may chance to fall rather on the injured than the criminal.

Before men are put forward into the great trusts of the state, they ought by their conduct to have obtained such a degree of estimation in their country as may be some sort of pledge and security to the public that they will not abuse those trusts. It is no mean security for a proper use of power that a man has shown by the general tenor of his actions that the affection, the good opinion, the confidence of his fellow-citizens have been among the principal objects of his life, and that he has owed none of the gradations of his power or fortune to a settled contempt or occasional forfeiture of their esteem.

That man who before he comes into power has no friends, or

who coming into power is obliged to desert his friends, or who losing it has no friends to sympathize with him; he who has no sway among any part of the landed or commercial interest, but whose whole importance has begun with his office, and is sure to end with it, is a person who ought never to be suffered by a controlling Parliament to continue in any of those situations which confer the lead and direction of all our public affairs; because such a man *has no connection with the interest of the people*

Those knots or cabals of men who have got together, avowedly without any public principle, in order to sell their conjunct iniquity at the higher rate, and are therefore universally odious, ought never to be suffered to domineer in the state; because they have *no connection with the sentiments and opinions of the people*

These are considerations which in my opinion enforce the necessity of having some better reason, in a free country, and a free Parliament, for supporting the ministers of the crown than that short one, *that the king has thought proper to appoint them . . .*

Cunning men are here apt to break in and, without directly controverting the principle, to raise objections from the difficulty under which the sovereign labors to distinguish the genuine voice and sentiments of his people from the clamor of a faction, by which it is so easily counterfeited. The nation, they say, is generally divided into parties, with views and passions utterly irreconcilable. If the king should put his affairs into the hands of any one of them, he is sure to disgust the rest; if he select particular men from among them all, it is a hazard that he disgusts them all. Those who are left out, however divided before, will soon run into a body of opposition; which, being a collection of many discontents into one focus, will without doubt be hot and violent enough. Faction will make its cries resound through the nation, as if the whole were in an uproar, when by far the majority, and much the better part, will seem for a while as it were annihilated by the quiet in which their virtue and moderation incline them to enjoy the blessings of government. Besides that, the opinion of the mere vulgar is a miserable rule even with regard to themselves, on account of their violence and instability. So that if you were to gratify them in their humor today, that very gratification would be a ground of their dissatisfaction on the next. Now as all these rules of public opinion are to be collected with great difficulty, and to be applied with equal uncertainty as to the effect, what better



can a king of England do than to employ such men as he finds to have views and inclinations most conformable to his own; who are least infected with pride and self-will; and who are least moved by such popular humors as are perpetually traversing his designs, and disturbing his service; trusting that, when he means no ill to his people, he will be supported in his appointments, whether he chooses to keep or to change, as his private judgment or his pleasure leads him? . . .

I will not pretend to say that there is nothing at all in this mode of reasoning; because I will not assert that there is no difficulty in the art of government. Undoubtedly the very best administration must encounter a great deal of opposition; and the very worst will find more support than it deserves. Sufficient appearances will never be wanting to those who have a mind to deceive themselves. It is a fallacy in constant use with those who would level all things, and confound right with wrong, to insist upon the inconveniences which are attached to every choice, without taking into consideration the different weight and consequences of those inconveniences. The question is not concerning *absolute* discontent or *perfect* satisfaction in government; neither of which can be pure and unmixed at any time, or upon any system. The controversy is about that degree of good humor in the people which may possibly be attained, and ought certainly to be looked for. While some politicians may be waiting to know whether the sense of every individual be against them, accurately distinguishing the vulgar from the better sort, drawing lines between the enterprises of a faction and the efforts of a people, they may chance to see the government, which they are so nicely weighing, and dividing, and distinguishing, tumble to the ground in the midst of their wise deliberation. Prudent men, when so great an object as the security of government, or even its peace, is at stake, will not run the risk of a decision which may be fatal to it. They who can read the political sky will see a hurricane in a cloud no bigger than a hand at the very edge of the horizon, and will run into the first harbor. No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition. But, though no man can draw a stroke between the confines of day and night, yet light and darkness are upon the whole tolerably distinguishable. Nor will it be impossible for a prince to find out such a mode of government, and such persons to administer it, as will give a great degree of content to his people; without any curious and anxious research for that abstract, universal, perfect harmony

which while he is seeking, he abandons those means of ordinary tranquillity which are in his power without any research at all.

. . . Here it is that the people must on their part show themselves sensible of their own value. Their whole importance, in the first instance, and afterwards their whole freedom, is at stake. Their freedom cannot long survive their importance. Here it is that the natural strength of the kingdom, the great peers, the leading landed gentlemen, the opulent merchants and manufacturers, the substantial yeomanry, must interpose to rescue their prince, themselves, and their posterity.

We are at present at issue upon this point. We are in the great crisis of this contention; and the part which men take, one way or other, will serve to discriminate their characters and their principles. Until the matter is decided, the country will remain in its present confusion. For while a system of administration is attempted entirely repugnant to the genius of the people, and not conformable to the plan of their government, everything must necessarily be disordered for a time, until this system destroys the constitution, or the constitution gets the better of this system.

There is, in my opinion, a peculiar venom and malignity in this political distemper beyond any that I have heard or read of. In former times the projectors of arbitrary government attacked only the liberties of their country: a design surely mischievous enough to have satisfied a mind of the most unruly ambition. But a system unfavorable to freedom may be so formed as considerably to exalt the grandeur of the state; and men may find in the pride and splendor of that prosperity some sort of consolation for the loss of their solid privileges. Indeed, the increase of the power of the state has often been urged by artful men, as a pretext for some abridgment of the public liberty. But the scheme of the junto under consideration not only strikes a palsy into every nerve of our free constitution, but in the same degree benumbs and stupefies the whole executive power; rendering government in all its grand operations languid, uncertain, ineffective; making ministers fearful of attempting and incapable of executing any useful plan of domestic arrangement, or of foreign politics. It tends to produce neither the security of a free government nor the energy of a monarchy that is absolute. Accordingly the crown has dwindled away, in proportion to the unnatural and turgid growth of this excrescence on the court.

. . . Good men look upon this distracted scene with sorrow and indignation. Their hands are tied behind them. They are despoiled

of all the power which might enable them to reconcile the strength of government with the rights of the people. They stand in a most distressing alternative. But in the election among evils they hope better things from temporary confusion than from established servitude. In the mean time, the voice of law is not to be heard. Fierce licentiousness begets violent restraints. The military arm is the sole reliance; and then, call your constitution what you please, it is the sword that governs. The civil power, like every other that calls in the aid of an ally stronger than itself, perishes by the assistance it receives. But the contrivers of this scheme of government will not trust solely to the military power; because they are cunning men. Their restless and crooked spirit drives them to rake in the dirt of every kind of expedient. Unable to rule the multitude, they endeavor to raise divisions amongst them. One mob is hired to destroy another: a procedure which at once encourages the boldness of the populace and justly increases their discontent. Men become pensioners of state on account of their abilities in the array of riot, and the discipline of confusion. Government is put under the disgraceful necessity of protecting from the severity of the laws that very licentiousness which the laws had been before violated to repress. Everything partakes of the original disorder. Anarchy predominates without freedom, and servitude without submission or subordination. These are the consequences inevitable to our public peace, from the scheme of rendering the executive government at once odious and feeble; of freeing administration from the constitutional and salutary control of Parliament, and inventing for it a *new control*, unknown to the constitution, an *interior cabinet*; which brings the whole body of government into confusion and contempt.

### *The Effect of the System on the King*

. . . There remains only, in this part of my design, to say something of the grand principle which first recommended this system at court. The pretense was to prevent the king from being enslaved by a faction, and made a prisoner in his closet. This scheme might have been expected to answer at least its own end, and to indemnify the king, in his personal capacity, for all the confusion into which it has thrown his government. But has it in reality answered this purpose? I am sure, if it had, every affectionate subject would have one motive for enduring with patience all the evils which attend it.

In order to come at the truth in this matter, it may not be amiss to consider it somewhat in detail. I speak here of the king, and not

of the crown, the interests of which we have already touched. Independent of that greatness which a king possesses merely by being a representative of the national dignity, the things in which he may have an individual interest seem to be these: wealth accumulated; wealth spent in magnificence, pleasure, or beneficence; personal respect and attention; and, above all, private ease and repose of mind. . . .

Suppose then we were to ask whether the king has been richer than his predecessors in accumulated wealth since the establishment of the plan of favoritism? I believe it will be found that the picture of royal indigence which our court has presented until this year has been truly humiliating. Nor has it been relieved from this unseemly distress but by means which have hazarded the affection of the people, and shaken their confidence in Parliament. If the public treasures had been exhausted in magnificence and splendor, this distress would have been accounted for, and in some measure justified. Nothing would be more unworthy of this nation than with a mean and mechanical rule to mete out the splendor of the crown. Indeed I have found very few persons disposed to so ungenerous a procedure. But the generality of people, it must be confessed, do feel a good deal mortified when they compare the wants of the court with its expenses. They do not behold the cause of this distress in any part of the apparatus of royal magnificence. In all this, they see nothing but the operations of parsimony, attended with all the consequences of profusion. Nothing expended, nothing saved. Their wonder is increased by their knowledge that besides the revenue settled on his Majesty's civil list to the amount of 800,000*l.* a year, he has a farther aid from a large pension list, near 90,000*l.* a year, in Ireland; from the produce of the Duchy of Lancaster (which we are told has been greatly improved); from the revenue of the Duchy of Cornwall; from the American quit-rents; from the four and a half per cent duty in the Leeward Islands; this last worth to be sure considerably more than 40,000*l.* a year. The whole is certainly not much short of a million annually.

These are revenues within the knowledge and cognizance of our national councils. We have no direct right to examine into the receipts from his Majesty's German dominions, and the Bishopric of Osnaburg. This is unquestionably true. But that which is not within the province of Parliament is yet within the sphere of every man's own reflection. Filled with an anxious concern for whatever regards the welfare of our sovereign, it is impossible, in considering the miserable circumstances into which he has been brought, that this obvious topic should be entirely passed over. There is an

opinion universal that these revenues produce something not inconsiderable, clear of all charges and establishments. This produce the people do not believe to be hoarded, nor perceive to be spent. It is accounted for in the only manner it can, by supposing that it is drawn away for the support of that court faction which, whilst it distresses the nation, impoverishes the prince in every one of his resources. . . .

Has this system provided better for the treatment becoming his high and sacred character, and secured the king from those disgusts attached to the necessity of employing men who are not personally agreeable? This is a topic upon which for many reasons I could wish to be silent; but the pretense of securing against such causes of uneasiness is the cornerstone of the court party. It has however so happened that if I were to fix upon any one point in which this system has been more particularly and shamefully blamable, the effects which it has produced would justify me in choosing for that point its tendency to degrade the personal dignity of the sovereign, and to expose him to a thousand contradictions and mortifications. . . .

An opinion prevails that greatness has been more than once advised to submit to certain condescensions towards individuals which have been denied to the entreaties of a nation. For the meanest and most dependent instrument of this system knows that there are hours when its existence may depend upon his adherence to it; and he takes his advantage accordingly. Indeed it is a law of nature that whoever is necessary to what we have made our object is sure, in some way, or in some time or other, to become our master. All this however is submitted to, in order to avoid that monstrous evil of governing in concurrence with the opinion of the people. For it seems to be laid down as a maxim that a king has some sort of interest in giving uneasiness to his subject; that all who are pleasing to them are to be of course disagreeable to him; that as soon as the persons who are odious at court are known to be odious to the people, it is snatched at as a lucky occasion of showering down upon them all kinds of emoluments and honors. None are considered as well-wishers to the crown but those who advise to some unpopular course of action; none capable of serving it but those who are obliged to call at every instant upon all its power for the safety of their lives. None are supposed to be fit priests in the temple of government but the persons who are compelled to fly into it for sanctuary. Such is the effect of this refined project; such is ever the result of all the contrivances which are used to free men from the servitude of their reason, and from the

necessity of ordering their affairs according to their evident interests. These contrivances oblige them to run into a real and ruinous servitude, in order to avoid a supposed restraint that might be attended with advantage.

If therefore this system has so ill answered its own grand pretense of saving the king from the necessity of employing persons disagreeable to him, has it given more peace and tranquillity to his Majesty's private hours? No, most certainly. The father of his people cannot possibly enjoy repose while his family is in such a state of distraction. Then what has the crown or the king profited by all this fine-wrought scheme? Is he more rich, or more splendid, or more powerful, or more at his ease, by so many labors and contrivances? Have they not beggared his exchequer, tarnished the splendor of his court, sunk his dignity, galled his feelings, discomposed the whole order and happiness of his private life?

It will be very hard, I believe, to state in what respect the king has profited by that faction which presumptuously choose to call themselves *his friends*. . . .

### *The Effect of the System on Parliament*

So far I have considered the effect of the court system chiefly as it operates upon the executive government, on the temper of the people, and on the happiness of the sovereign. It remains that we should consider, with a little attention, its operation upon Parliament.

Parliament was indeed the great object of all these politics, the end at which they aimed, as well as the instrument by which they were to operate. But, before Parliament could be made subservient to a system by which it was to be degraded from the dignity of a national council into a mere member of the court, it must be greatly changed from its original character.

In speaking of this body, I have my eye chiefly on the House of Commons. I hope I shall be indulged in a few observations on the nature and character of that assembly; not with regard to its *legal form and power*, but to its *spirit*, and to the purposes it is meant to answer in the constitution.

The House of Commons was supposed originally to be *no part of the standing government of this country*. It was considered as a *control* issuing *immediately* from the people, and speedily to be resolved into the mass from whence it arose. In this respect it was in the higher part of government what juries are in the lower. The capacity of a magistrate being transitory, and that of a citizen permanent, the latter capacity it was hoped would of course prepon-

derate in all discussions, not only between the people and the standing authority of the crown, but between the people and the fleeting authority of the House of Commons itself. It was hoped that, being of a middle nature between subject and government, they would feel with a more tender and a nearer interest everything that concerned the people than the other remoter and more permanent parts of legislature.

Whatever alterations time and the necessary accommodation of business may have introduced, this character can never be sustained unless the House of Commons shall be made to bear some stamp of the actual disposition of the people at large. It would (among public misfortunes) be an evil more natural and tolerable that the House of Commons should be infected with every epidemical frenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons. For it is not the derivation of the power of that House from the people which makes it in a distinct sense their representative. The king is the representative of the people; so are the lords; so are the judges. They all are trustees for the people, as well as the commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people.

A popular origin cannot therefore be the characteristical distinction of a popular representative. This belongs equally to all parts of government and in all forms. The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a control *upon* the people, as of late it has been taught, by a doctrine of the most pernicious tendency. It was designed as a control *for* the people. Other institutions have been formed for the purpose of checking popular excesses; and they are, I apprehend, fully adequate to their object. If not, they ought to be made so. The House of Commons, as it was never intended for the support of peace and subordination, is miserably appointed for that service; having no stronger weapon than its mace, and no better officer than its serjeant-at-arms, which it can command of its own proper authority. A vigilant and jealous eye over executory and judicial magistracy; an anxious care of public money; an openness, approaching towards facility, to public complaint: these seem to be

the true characteristics of a House of Commons. But an addressing House of Commons, and a petitioning nation; a House of Commons full of confidence when the nation is plunged in despair; in the utmost harmony with ministers whom the people regard with the utmost abhorrence; who vote thanks when the public opinion calls them for impeachments; who are eager to grant when the general voice demands account; who, in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them; this is an unnatural, a monstrous state of things in this constitution. Such an assembly may be a great, wise, awful senate; but it is not, to any popular purpose, a House of Commons. This change from an immediate state of procuration and delegation to a course of acting as from original power is the way in which all the popular magistracies in the world have been perverted from their purposes. It is indeed their greatest and sometimes their incurable corruption. For there is a material distinction between that corruption by which particular points are carried against reason (this is a thing which cannot be prevented by human wisdom, and is of less consequence) and the corruption of the principle itself. . . .

For my part, I shall be compelled to conclude the principle of Parliament to be totally corrupted, and therefore its ends entirely defeated, when I see two symptoms: first, a rule of indiscriminate support to all ministers, because this destroys the very end of Parliament as a control, and is a general, previous sanction to misgovernment; and secondly, the setting up any claims adverse to the right of free election, for this tends to subvert the legal authority by which the House of Commons sits.

I know that, since the Revolution, along with many dangerous, many useful powers of government have been weakened. It is absolutely necessary to have frequent recourse to the legislature. Parliaments must therefore sit every year, and for great part of the year. The dreadful disorders of frequent elections have also necessitated a septennial instead of a triennial duration.<sup>10</sup> These circumstances (I mean the constant habit of authority, and the unfrequency of elections) have tended very much to draw the House of Commons towards the character of a standing senate. It is a disorder which has arisen from the cure of greater disorders; it has

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<sup>10</sup> By the Septennial Act of 1716 the legal limit for the duration of a House of Commons had been extended from three to seven years. For a fuller statement of Burke's defense of the septennate, see below, pp. 216-24



arisen from the extreme difficulty of reconciling liberty under a monarchical government with external strength and with internal tranquillity.

It is very clear that we cannot free ourselves entirely from this great inconvenience; but I would not increase an evil because I was not able to remove it; and because it was not in my power to keep the House of Commons religiously true to its first principles, I would not argue for carrying it to a total oblivion of them. This has been the great scheme of power in our time. They who will not conform their conduct to the public good, and cannot support it by the prerogative of the crown, have adopted a new plan. They have totally abandoned the shattered and old-fashioned fortress of prerogative, and made a lodgment in the stronghold of Parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into Parliament. In Parliament the whole is executed from the beginning to the end. In Parliament the power of obtaining their object is absolute; and the safety in the proceeding perfect: no rules to confine, no after-reckonings to terrify. Parliament cannot, with any great propriety, punish others for things in which they themselves have been accomplices. Thus the control of Parliament upon the executory power is lost; because Parliament is made to partake in every considerable act of government. . . .

For a considerable time this separation of the representatives from their constituents went on with a silent progress; and had those who conducted the plan for their total separation been persons of temper and abilities any way equal to the magnitude of their design, the success would have been infallible; but by their precipitancy they have laid it open in all its nakedness; the nation is alarmed at it: and the event may not be pleasant to the contrivers of the scheme. In the last session, the corps called the *king's friends* made a hardy attempt, all at once, *to alter the right of election itself*; to put it into the power of the House of Commons to disable any person disagreeable to them from sitting in Parliament, without any other rule than their own pleasure; to make incapacities, either general for descriptions of men, or particular for individuals; and to take into their body persons who avowedly had never been chosen by the majority of legal electors, nor agreeably to any known rule of law. . . .

A violent rage for the punishment of Mr. Wilkes<sup>11</sup> was the pre-

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<sup>11</sup> John Wilkes had been expelled from the House of Commons in 1764 for libeling the King in the press and convicted in the Court of the King's Bench on a charge of publishing an obscene poem. He es-

tense of the whole. This gentleman, by setting himself strongly in opposition to the court cabal, had become at once an object of their persecution and of the popular favor. The hatred of the court party pursuing and the countenance of the people protecting him, it very soon became not at all a question on the man, but a trial of strength between the two parties. The advantage of the victory in this particular contest was the present, but not the only, nor by any means the principal object. Its operation upon the character of the House of Commons was the great point in view. The point to be gained by the cabal was this; that a precedent should be established, tending to show *that the favor of the people was not so sure a road as the favor of the court even to popular honors and popular trusts*. . . .

I will not believe, what no other man living believes, that Mr. Wilkes was punished for the indecency of his publications, or the impiety of his ransacked closet. If he had fallen in a common slaughter of libelers and blasphemers, I could well believe that nothing more was meant than was pretended. But when I see that, for years together, full as impious and perhaps more dangerous writings to religion, and virtue, and order, have not been punished, nor their authors discountenanced, that the most audacious libels on royal majesty have passed without notice; that the most treasonable invectives against the laws, liberties, and constitution of the country have not met with the slightest animadversion, I must consider this as a shocking and shameless pretense.

. . . Does not the public behold with indignation persons not only generally scandalous in their lives, but the identical persons who, by their society, their instruction, their example, their encouragement, have drawn this man into the very faults which have furnished the cabal with a pretense for his persecution, loaded with every kind of favor, honor, and distinction, which a court can bestow? . . . When therefore I reflect upon this method pur-

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caped to France. Persecution by an unpopular government made him a popular figure, and he returned to England to win election to Parliament from Middlesex in 1768. He served his sentence and paid his fine under the 1764 verdict, but the House of Commons, after angry debates, refused to admit him. When the Middlesex voters re-elected him, the House passed a resolution incapacitating him. Again his constituency returned him and the House declared the election void. After a fourth election the House ordered the returns to be altered and his opponent, backed by the court, was declared elected to the seat. On the Wilkes case centered one of the greatest agitations in English history. Burke championed Wilkes's right to be seated in a speech that may be found in *Works*, VII, 61-7.

sued by the cabal in distributing rewards and punishments, I must conclude that Mr. Wilkes is the object of persecution, not on account of what he has done in common with others who are the objects of reward, but for that in which he differs from many of them: that he is pursued for the spirited dispositions which are blended with his vices; for his unconquerable firmness, for his resolute, indefatigable, strenuous resistance against oppression. . . .

It behooves the people of England to consider how the House of Commons, under the operation of these examples, must of necessity be constituted. On the side of the court will be all honors, offices, emoluments; every sort of personal gratification to avarice or vanity; and, what is of more moment to most gentlemen, the means of growing, by innumerable petty services to individuals, into a spreading interest in their country. On the other hand, let us suppose a person unconnected with the court, and in opposition to its system. For his own person, no office, or emolument, or title; no promotion, ecclesiastical, or civil, or military, or naval, for children, or brothers, or kindred. In vain an expiring interest in a borough calls for offices, or small livings, for the children of mayors, and aldermen, and capital burgesses. His court rival has them all. He can do an infinite number of acts of generosity and kindness, and even of public spirit. He can procure indemnity from quarters. He can procure advantages in trade. He can get pardons for offenses. He can obtain a thousand favors, and avert a thousand evils. He may, while he betrays every valuable interest of the kingdom, be a benefactor, a patron, a father, a guardian angel to his borough. The unfortunate independent member has nothing to offer but harsh refusal, or pitiful excuse, or despondent representation of a hopeless interest. Except from his private fortune, in which he may be equaled, perhaps exceeded, by his court competitor, he has no way of showing any one good quality, or of making a single friend. In the House, he votes forever in a dispirited minority. If he speaks, the doors are locked. A body of loquacious placemen go out to tell the world that all he aims at is to get into office. . . . Can we conceive a more discouraging post of duty than this? Strip it of the poor reward of popularity; suffer even the excesses committed in defense of the popular interest to become a ground for the majority of that House to form a disqualification out of the line of the law, and at their pleasure, attended not only with the loss of the franchise, but with every kind of personal disgrace; if this shall happen, the people of this king-

dom may be assured that they cannot be firmly or faithfully served by any man. It is out of the nature of men and things that they should; and their presumption will be equal to their folly if they expect it. The power of the people, within the laws, must show itself sufficient to protect every representative in the animated performance of his duty, or that duty cannot be performed. The House of Commons can never be a control on other parts of government unless they are controlled themselves by their constituents; and unless these constituents possess some right in the choice of that House which it is not in the power of that House to take away. If they suffer this power of arbitrary incapacitation to stand, they have utterly perverted every other power of the House of Commons. . . .

The people indeed have been told that this power of discretionary disqualification is vested in hands that they may trust, and who will be sure not to abuse it to their prejudice. Until I find something in this argument differing from that on which every mode of despotism has been defended, I shall not be inclined to pay it any great compliment. The people are satisfied to trust themselves with the exercise of their own privileges, and do not desire this kind intervention of the House of Commons to free them from the burden. They are certainly in the right. They ought not to trust the House of Commons with a power over their franchises; because the constitution, which placed two other co-ordinate powers to control it, reposed no such confidence in that body. It were a folly well deserving servitude for its punishment to be full of confidence where the laws are full of distrust. . . .

When the House of Commons, in an endeavor to obtain new advantages at the expense of the other orders of the state, for the benefit of the *commons at large*, have pursued strong measures; if it were not just, it was at least natural that the constituents should connive at all their proceedings; because we were ourselves ultimately to profit. But when this submission is urged to us, in a contest between the representatives and ourselves, and where nothing can be put into their scale which is not taken from ours, they fancy us to be children when they tell us they are our representatives, our own flesh and blood, and that all the stripes they give us are for our good. The very desire of that body to have such a trust contrary to law reposed in them shows that they are not worthy of it. They certainly will abuse it; because all men possessed of an uncontrolled discretionary power leading to the

aggrandizement and profit of their own body have always abused it; and I see no particular sanctity in our times that is at all likely, by a miraculous operation, to overrule the course of nature.

But we must purposely shut our eyes if we consider this matter merely as a contest between the House of Commons and the electors. The true contest is between the electors of the kingdom and the crown; the crown acting by an instrumental House of Commons. . . . If once members of Parliament can be practically convinced that they do not depend on the affection or opinion of the people for their political being, they will give themselves over, without even an appearance of reserve, to the influence of the court.

Indeed a Parliament unconnected with the people is essential to a ministry unconnected with the people; and therefore those who saw through what mighty difficulties the interior ministry waded, and the exterior were dragged, in this business, will conceive of what prodigious importance the new corps of *king's men* held this principle of occasional and personal incapacitation to the whole body of their design.

When the House of Commons was thus made to consider itself as the master of its constituents, there wanted but one thing to secure that House against all possible future deviation towards popularity: an *unlimited* fund of money to be laid out according to the pleasure of the court.

. . . An opportunity for this purpose was taken, upon an application to Parliament for payment of the debts of the civil list; which in 1769 had amounted to 513,000*l*. Such application had been made upon former occasions; but to do it in the former manner would by no means answer the present purpose. . . .

A deficiency of the civil list duties for several years before was stated as the principal if not the sole ground on which an application to Parliament could be justified.

. . . But, in order firmly to establish the precedent of *payment previous to account*, and to form it into a settled rule of the House, the god in the machine was brought down, nothing less than the wonder-working *law of Parliament*. It was alleged that it is the law of Parliament, when any demand comes from the crown, that the House must go immediately into the committee of supply; in which committee it was allowed that the production and examination of accounts would be quite proper and regular. It was therefore carried that they should go into the committee without delay, and without accounts, in order to examine with great order and regularity things that could not possibly come be-

fore them. After this stroke of orderly and parliamentary wit and humor, they went into the committee; and very generously voted the payment. . . .

Five hundred thousand pounds is a serious sum. But it is nothing to the prolific principle upon which the sum was voted: a principle that may be well called *the fruitful mother of a hundred more*. . . .

The first ideas which generally suggest themselves for the cure of parliamentary disorders are to shorten the duration of Parliaments; and to disqualify all or a great number of placemen from a seat in the House of Commons. Whatever efficacy there may be in those remedies, I am sure in the present state of things it is impossible to apply them. A restoration of the right of free election is a preliminary indispensable to every other reformation. What alterations ought afterwards to be made in the constitution, is a matter of deep and difficult research.

If I wrote merely to please the popular palate, it would indeed be as little troublesome to me as to another to extol these remedies, so famous in speculation, but to which their greatest admirers have never attempted seriously to resort in practice. I confess, then, that I have no sort of reliance upon either a triennial Parliament or a place-bill. With regard to the former, perhaps it might rather serve to counteract than to promote the ends that are proposed by it. To say nothing of the horrible disorders among the people attending frequent elections, I should be fearful of committing, every three years, the independent gentlemen of the country into a contest with the Treasury. It is easy to see which of the contending parties would be ruined first. Whoever has taken a careful view of public proceedings, so as to endeavor to ground his speculations on his experience, must have observed how prodigiously greater the power of ministry is in the first and last session of a Parliament than it is in the intermediate period, when members sit a little firm on their seats. The persons of the greatest parliamentary experience with whom I have conversed did constantly, in canvassing the fate of questions, allow something to the court side, upon account of the elections depending or imminent. The evil complained of, if it exists in the present state of things, would hardly be removed by a triennial Parliament: for, unless the influence of government in elections can be entirely taken away, the more frequently they return, the more they will harass private independence; the more generally men will be compelled to fly to the settled systematic interest of government, and to the resources of a boundless civil list. Certainly something may be done, and

ought to be done, towards lessening that influence in elections; and this will be necessary upon a plan either of longer or shorter duration of Parliament. But nothing can so perfectly remove the evil as not to render such contentions, too frequently repeated, utterly ruinous, first to independence of fortune, and then to independence of spirit. . . .

The next favorite remedy is a place-bill. The same principle guides in both; I mean the opinion which is entertained by many of the infallibility of laws and regulations in the cure of public distempers. Without being as unreasonably doubtful as many are unwisely confident, I will only say that this also is a matter very well worthy of serious and mature reflection. It is not easy to foresee what the effect would be of disconnecting with Parliament the greatest part of those who hold civil employments, and of such mighty and important bodies as the military and naval establishments<sup>12</sup> . . . These new interests must be let into a share of representation, else possibly they may be inclined to destroy those institutions of which they are not permitted to partake. This is not a thing to be trifled with, nor is it every well-meaning man that is fit to put his hands to it. Many other serious considerations occur. I do not open them here, because they are not directly to my purpose, proposing only to give the reader some taste of the difficulties that attend all capital changes in the constitution; just to hint the uncertainty, to say no worse, of being able to prevent the court, as long as it has the means of influence abundantly in its power, of applying that influence to Parliament, and perhaps, if the public method were precluded, of doing it in some worse and more dangerous method. Underhand and oblique ways would be studied. The science of evasion, already tolerably understood, would then be brought to the greatest perfection. It is no inconsiderable part of wisdom, to know how much of an evil ought to be tolerated, lest, by attempting a degree of purity impracticable in degenerate times and manners, instead of cutting off the subsisting ill-practices, new corruptions might be produced for the concealment and security of the old. It were better, undoubtedly,

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<sup>1</sup> The Act of Settlement of 1700 had provided that, after the accession of the house of Hanover, no person who held an office or place of profit under the king, could sit in the House of Commons. But in 1705-6 the law was so modified as to restrict this exclusion to (1) holders of new offices created after October 25, 1705, (2) holders of certain specified offices, (3) pensioners of the crown during pleasure. To the last were added, in the reign of George I, pensioners for terms of years. But even the acceptance of one of the pre-1705 offices required that the member vacate his seat and seek re-election.

that no influence at all could affect the mind of a member of Parliament. But of all modes of influence, in my opinion, a place under the government is the least disgraceful to the man who holds it, and by far the most safe to the country. I would not shut out that sort of influence which is open and visible, which is connected with the dignity and the service of the state, when it is not in my power to prevent the influence of contracts, of subscriptions, of direct bribery, and those innumerable methods of clandestine corruption which are abundantly in the hands of the court, and which will be applied as long as these means of corruption, and the disposition to be corrupted, have existence amongst us. Our constitution stands on a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other. Every project of a material change in a government so complicated as ours, combined at the same time with external circumstances still more complicated, is a matter full of difficulties: in which a considerate man will not be too ready to decide; a prudent man too ready to undertake; or an honest man too ready to promise. They do not respect the public nor themselves who engage for more than they are sure that they ought to attempt, or that they are able to perform. . . .

### *The Remedy: "Interposition of the Body of the People"*

Indeed, in the situation in which we stand, with an immense revenue, an enormous debt, mighty establishments, government itself a great banker and a great merchant, I see no other way for the preservation of a decent attention to public interest in the representatives but *the interposition of the body of the people itself*, whenever it shall appear, by some flagrant and notorious act, by some capital innovation, that these representatives are going to overleap the fences of the law, and to introduce an arbitrary power. This interposition is a most unpleasant remedy. But, if it be a legal remedy, it is intended on some occasion to be used; to be used then only, when it is evident that nothing else can hold the constitution to its true principles.

The distempers of monarchy were the great subjects of apprehension and redress in the last century; in this, the distempers of Parliament. It is not in Parliament alone that the remedy for parliamentary disorders can be completed; hardly indeed can it begin there. Until a confidence in government is re-established, the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more



systematically upon their conduct ought to be settled in the meetings of counties and corporations. Frequent and correct lists of the voters in all important questions ought to be procured.

By such means something may be done. By such means it may appear who those are that, by an indiscriminate support of all administrations, have totally banished all integrity and confidence out of public proceedings; have confounded the best men with the worst; and weakened and dissolved, instead of strengthening and compacting, the general frame of government. If any person is more concerned for government and order than for the liberties of his country, even he is equally concerned to put an end to this course of indiscriminate support. It is this blind and undistinguishing support that feeds the spring of those very disorders by which he is frightened into the arms of the faction which contains in itself the source of all disorders, by enfeebling all the visible and regular authority of the state.

. . . I repeat it again—he that supports every administration subverts all government. The reason is this: the whole business in which a court usually takes an interest goes on at present equally well in whatever hands, whether high or low, wise or foolish, scandalous or reputable; there is nothing therefore to hold it firm to any one body of men, or to any one consistent scheme of politics. Nothing interposes to prevent the full operation of all the caprices and all the passions of a court upon the servants of the public. The system of administration is open to continual shocks and changes, upon the principles of the meanest cabal and the most contemptible intrigue. Nothing can be solid and permanent. All good men at length fly with horror from such a service. . . .

Such are the consequences of the division of court from the administration; and of the division of public men among themselves. By the former of these, lawful government is undone; by the latter, all opposition to lawless power is rendered impotent. Government may in a great measure be restored if any considerable bodies of men have honesty and resolution enough never to accept administration unless this garrison of *king's men*, which is stationed, as in a citadel, to control and enslave it, be entirely broken and disbanded, and every work they have thrown up be leveled with the ground. The disposition of public men to keep this corps together, and to act under it, or to co-operate with it, is a touchstone by which every administration ought in future to be tried. . . . In this particular, it ought to be the electors' business to look to their representatives. The electors ought to esteem it no less culpable in their member to give a single vote in Parliament

to such an administration than to take an office under it; to endure it, than to act in it. The notorious infidelity and versatility of members of Parliament, in their opinions of men and things, ought in a particular manner to be considered by the electors in the inquiry which is recommended to them. This is one of the principal holdings of that destructive system which has endeavored to unhinge all the virtuous, honorable, and useful connections in the kingdom.

This cabal has, with great success, propagated a doctrine which serves for a color to those acts of treachery; and whilst it receives any degree of countenance it will be utterly senseless to look for a vigorous opposition to the court party. The doctrine is this: that all political connections are in their nature factious, and as such ought to be dissipated and destroyed; and that the rule for forming administrations is mere personal ability, rated by the judgment of this cabal upon it, and taken by drafts from every division and denomination of public men. This decree was solemnly promulgated by the head of the court corps, the Earl of Bute himself, in a speech which he made, in the year 1766, against the then administration, the only administration which he has ever been known directly and publicly to oppose.

### *Party Government Defined and Defended*

. . . That connection and faction are equivalent terms is an opinion which has been carefully inculcated at all times by unconstitutional statesmen. The reason is evident. Whilst men are linked together, they easily and speedily communicate the alarm of any evil design. They are enabled to fathom it with common counsel, and to oppose it with united strength. Whereas when they lie dispersed, without concert, order, or discipline, communication is uncertain, counsel difficult, and resistance impracticable. Where men are not acquainted with each other's principles, nor experienced in each other's talents, nor at all practiced in their mutual habitudes and dispositions by joint efforts in business; no personal confidence, no friendship, no common interest, subsisting among them; it is evidently impossible that they can act a public part with uniformity, perseverance, or efficacy. In a connection, the most inconsiderable man, by adding to the weight of the whole, has his value, and his use; out of it, the greatest talents are wholly unserviceable to the public. No man who is not inflamed by vainglory into enthusiasm can flatter himself that his single, unsupported, desultory, unsystematic endeavors are of power to defeat the subtle designs and united cabals of ambitious

citizens When bad men combine, the good must associate; else they will fall, one by one, an unopposed sacrifice in a contemptible struggle.

It is not enough in a situation of trust in the commonwealth that a man means well to his country, it is not enough that in his single person he never did an evil act, but always voted according to his conscience, and even harangued against every design which he apprehended to be prejudicial to the interests of his country This innoxious and ineffectual character, that seems formed upon a plan of apology and disculpation, falls miserably short of the mark of public duty That duty demands and requires that what is right should not only be made known, but made prevalent, that what is evil should not only be detected, but defeated When the public man omits to put himself in a situation of doing his duty with effect, it is an omission that frustrates the purposes of his trust almost as much as if he had formally betrayed it. . . .

I do not wonder that the behavior of many parties should have made persons of tender and scrupulous virtue somewhat out of humor with all sorts of connection in politics I admit that people frequently acquire in such confederacies a narrow, bigoted, and proscriptive spirit, that they are apt to sink the idea of the general good in this circumscribed and partial interest. But where duty renders a critical situation a necessary one, it is our business to keep free from the evils attendant upon it, and not to fly from the situation itself . . . Every profession, not excepting the glorious one of a soldier, or the sacred one of a priest, is liable to its own particular vices; which, however, form no argument against those ways of life; nor are the vices themselves inevitable to every individual in those professions Of such a nature are connections in politics, essentially necessary for the full performance of our public duty, accidentally liable to degenerate into faction Commonwealths are made of families, free commonwealths of parties also, and we may as well affirm that our natural regards and ties of blood tend inevitably to make men bad citizens as that the bonds of our party weaken those by which we are held to our country

. . . Certain it is, the best patriots in the greatest commonwealths have always commended and promoted such connections. . . . In one of the most fortunate periods of our history this country was governed by a *connection*, I mean the great connection of Whigs in the reign of Queen Anne. . . .

The Whigs of those days believed that the only proper method of rising into power was through hard essays of practiced friend-

ship and experimented fidelity. At that time it was not imagined that patriotism was a bloody idol, which required the sacrifice of children and parents, or dearest connections in private life, and of all the virtues that rise from those relations. They were not of that ingenious paradoxical morality to imagine that a spirit of moderation was properly shown in patiently bearing the sufferings of your friends; or that disinterestedness was clearly manifested at the expense of other people's fortune. They believed that no men could act with effect who did not act in concert, that no men could act in concert who did not act with confidence; that no men could act with confidence who were not bound together by common opinions, common affections, and common interests. . . .

Party is a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive that anyone believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means towards those ends, and to employ them with effect. Therefore every honorable connection will avow it is their first purpose to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution, with all the power and authority of the state. As this power is attached to certain situations, it is their duty to contend for these situations. Without a proscription of others, they are bound to give to their own party the preference in all things; and by no means, for private considerations, to accept any offers of power in which the whole body is not included; nor to suffer themselves to be led, or to be controlled, or to be overbalanced, in office or in council, by those who contradict the very fundamental principles on which their party is formed, and even those upon which every fair connection must stand. Such a generous contention for power, on such manly and honorable maxims, will easily be distinguished from the mean and interested struggle for place and emolument. . . .

It is an advantage to all narrow wisdom and narrow morals that their maxims have a plausible air, and, on a cursory view, appear equal to first principles. They are light and portable. They are as current as copper coin, and about as valuable. They serve equally the first capacities and the lowest; and they are, at least, as useful to the worst men as to the best. Of this stamp is the cant

of *Not men, but measures*,<sup>13</sup> a sort of charm by which many people get loose from every honorable engagement. When I see a man acting this desultory and disconnected part, with as much detriment to his own fortune as prejudice to the cause of any party, I am not persuaded that he is right; but I am ready to believe he is in earnest. I respect virtue in all its situations; even when it is found in the unsuitable company of weakness. I lament to see qualities, rare and valuable, squandered away without any public utility. But when a gentleman with great visible emoluments abandons the party in which he has long acted, and tells you it is because he proceeds upon his own judgment; that he acts on the merits of the several measures as they arise; and that he is obliged to follow his own conscience, and not that of others; he gives reasons which it is impossible to controvert, and discovers a character which it is impossible to mistake. What shall we think of him who never differed from a certain set of men until the moment they lost their power, and who never agreed with them in a single instance afterwards? . . . Whether a *measure* of government be right or wrong is *no matter of fact*, but a mere affair of opinion, on which men may, as they do, dispute and wrangle without end. But whether the individual *thinks* the measure right or wrong is a point at still a greater distance from the reach of all human decision. It is therefore very convenient to politicians not to put the judgment of their conduct on overt acts, cognizable in any ordinary court, but upon such matter as can be triable only in that secret tribunal where they are sure of being heard with favor, or where at worst the sentence will be only private whipping. . . .

In order to throw an odium on political connection, these politicians suppose it a necessary incident to it that you are blindly to follow the opinions of your party when in direct opposition to your own clear ideas; a degree of servitude that no worthy man could bear the thought of submitting to; and such as, I believe, no connections (except some court factions) ever could be so senselessly tyrannical as to impose. Men thinking freely will, in particular instances, think differently. But still, as the greater part of the measures which arise in the course of public business are related to, or dependent on, some great, *leading, general principles*

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<sup>13</sup> A thrust at the Earl of Chatham, who opposed Burke's views on party government and preferred ministries formed of disconnected leaders. The original draft of this pamphlet contained a direct attack on Chatham. By implication Burke censures him no less than the King and the Earl of Bute.

*in government*, a man must be peculiarly unfortunate in the choice of his political company if he does not agree with them at least nine times in ten. If he does not concur in these general principles upon which the party is founded, and which necessarily draw on a concurrence in their application, he ought from the beginning to have chosen some other, more conformable to his opinions. When the question is in its nature doubtful, or not very material, the modesty which becomes an individual, and (in spite of our court moralists) that partiality which becomes a well-chosen friendship, will frequently bring on an acquiescence in the general sentiment. Thus the disagreement will naturally be rare; it will be only enough to indulge freedom, without violating concord, or disturbing arrangement. And this is all that ever was required for a character of the greatest uniformity and steadiness in connection. . . .

I remember an old scholastic aphorism which says "that the man who lives wholly detached from others must be either an angel or a devil." When I see in any of these detached gentlemen of our times the angelic purity, power, and beneficence, I shall admit them to be angels. In the meantime we are born only to be men. We shall do enough if we form ourselves to be good ones. It is therefore our business carefully to cultivate in our minds, to rear to the most perfect vigor and maturity, every sort of generous and honest feeling that belongs to our nature. To bring the dispositions that are lovely in private life into the service and conduct of the commonwealth; so to be patriots as not to forget we are gentlemen. To cultivate friendships, and to incur enmities; to have both strong, but both selected: in the one to be placable; in the other immovable. To model our principles to our duties and our situation. To be fully persuaded that all virtue which is impracticable is spurious; and rather to run the risk of falling into faults in a course which leads us to act with effect and energy than to loiter out our days without blame and without use. Public life is a situation of power and energy; he trespasses against his duty who sleeps upon his watch, as well as he that goes over to the enemy.

There is, however, a time for all things. It is not every conjuncture which calls with equal force upon the activity of honest men; but critical exigencies now and then arise; and I am mistaken if this be not one of them. Men will see the necessity of honest combination; but they may see it when it is too late. They may embody when it will be ruinous to themselves, and of no advantage to the country; when, for want of such a timely union as may enable them to oppose in favor of the laws, with the laws

on their side, they may at length find themselves under the necessity of conspiring, instead of consulting. The law for which they stand may become a weapon in the hands of its bitterest enemies; and they will be cast, at length, into that miserable alternative between slavery and civil confusion, which no good man can look upon without horror: an alternative in which it is impossible he should take either part, with a conscience perfectly at repose. To keep that situation of guilt and remorse at the utmost distance is, therefore, our first obligation. Early activity may prevent late and fruitless violence. As yet we work in the light. The scheme of the enemies of public tranquillity has disarranged, it has not destroyed us.

If the reader believes that there really exists such a faction as I have described — a faction ruling by the private inclinations of a court, against the general sense of the people — and that this faction, whilst it pursues a scheme for undermining all the foundations of our freedom, weakens (for the present at least) all the powers of executory government, rendering us abroad contemptible, and at home distracted; he will believe also that nothing but a firm combination of public men against this body, and that, too, supported by the hearty concurrence of the people at large, can possibly get the better of it. The people will see the necessity of restoring public men to an attention to the public opinion, and of restoring the constitution to its original principles. Above all, they will endeavor to keep the House of Commons from assuming a character which does not belong to it. They will endeavor to keep that House, for its existence, for its powers, and its privileges, as independent of every other, and as dependent upon themselves, as possible. . . . When, through the medium of this just connection with their constituents, the genuine dignity of the House of Commons is restored, it will begin to think of casting from it, with scorn, as badges of servility, all the false ornaments of illegal power with which it has been, for some time, disgraced. It will begin to think of its old office of CONTROL. It will not suffer that last of evils to predominate in the country: men without popular confidence, public opinion, natural connection, or mutual trust, invested with all the powers of government.

When they have learned this lesson themselves, they will be willing and able to teach the court that it is the true interest of the prince to have but one administration; and that one composed of those who recommend themselves to their sovereign through the opinion of their country, and not by their obsequiousness to a favorite. Such men will serve their sovereign with affection and

fidelity, because his choice of them, upon such principles, is a compliment to their virtue. They will be able to serve him effectually, because they will add the weight of the country to the force of the executory power. They will be able to serve their king with dignity, because they will never abuse his name to the gratification of their private spleen or avarice. This, with allowances for human frailty, may probably be the general character of a ministry which thinks itself accountable to the House of Commons, when the House of Commons thinks itself accountable to its constituents. If other ideas should prevail, things must remain in their present *confusion*, until they are hurried into all the rage of civil violence, or until they sink into the dead repose of despotism.





## II

# The British Empire and the American Revolution

### 1. *The Genesis of the Crisis*

¶ THE grave tension that arose after 1763 between Great Britain and the American colonies was, in Burke's judgment, a direct outgrowth of misgovernment in the United Kingdom. In 1769 he published a pamphlet called *Observations on a Late Publication intituled "The Present State of the Nation."* He attacked the political opinions and actions of George Grenville, who had been Prime Minister from 1763 to 1765. In the policies and measures of the Grenville ministry Burke discerned "the real sources of almost all the disorders which have arisen since that time." He held these men, who had imposed the detested Stamp Act, responsible for generating the crisis in America. They had been replaced by Rockingham's administration, which repealed the Stamp Act and favored measures expedient to the calming of colonial distemper. But in 1767 the ministry of the Duke of Grafton carried through Parliament the Townshend Acts, which imposed duties on certain colonial importations. This marked a partial return to "the system of 1764" and raised anew the rebellious spirit of the colonies. In the above-mentioned pamphlet Burke set forth a statement of his view of these developments.<sup>1</sup> ¶

On the resignation of the Earl of Bute, in 1763, our affairs had been delivered into the hands of three ministers of his recommendation: Mr. Grenville, the Earl of Egremont, and the Earl of Halifax.<sup>2</sup> This arrangement, notwithstanding the retirement of Lord Bute, announced to the public a continuance of the same measures; nor was there more reason to expect a change from the

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<sup>1</sup> Works, I, 381-403.

<sup>2</sup> Grenville, First Lord of the Treasury; Egremont, Secretary of State (Southern Department); Halifax, Secretary of State (Northern Department).

death of the Earl of Egremont. The Earl of Sandwich supplied his place. The Duke of Bedford, and the gentlemen who act in that connection,<sup>3</sup> and whose general character and politics were sufficiently understood, added to the strength of the ministry, without making any alteration in their plan of conduct. . . .

As to their politics, the principles of the peace of Paris governed in foreign affairs.<sup>4</sup> In domestic, the same scheme prevailed, of contradicting the opinions and disgracing most of the persons who had been countenanced and employed in the late reign. The inclinations of the people were little attended to; and a disposition to the use of forcible methods ran through the whole tenor of administration. The nation in general was uneasy and dissatisfied. Sober men saw causes for it in the constitution of the ministry and the conduct of the ministers. The ministers, who have usually a short method on such occasions, attributed their unpopularity wholly to the efforts of faction.

. . . With regard to our domestic affairs, there was no want of industry; but there was a great deficiency of temper and judgment, and manly comprehension of the public interest. The nation certainly wanted relief, and government attempted to administer it. Two ways were principally chosen for this great purpose. The first by regulations; the second by new funds of revenue. Agreeably to this plan, a new naval establishment was formed at a good deal of expense, and to little effect, to aid in the collection of the customs. Regulation was added to regulation; and the strictest and most unreserved orders were given, for a prevention of all contraband trade here, and in every part of America. A teasing custom-house, and a multiplicity of perplexing regulations, ever have, and ever will appear, the masterpiece of finance to people of narrow views. . . .

The greatest part of these regulations were made for America; and they fell so indiscriminately on all sorts of contraband, or supposed contraband, that some of the most valuable branches of trade were driven violently from our ports; which caused a universal consternation throughout the colonies. Every part of the trade was infinitely distressed by them. Men-of-war now for the first time, armed with regular commissions of custom-house offi-

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<sup>3</sup> Commonly called the "Bloomsbury gang," the most unprincipled politicians of the age.

<sup>4</sup> Burke regarded the peace of Paris as disadvantageous for Britain, primarily because the alliance of the Bourbon powers, France and Spain, had not been dissolved. His misgivings were confirmed during the American war.

cers, invested the coasts, and gave to the collection of revenue the air of hostile contribution. About the same time that these regulations seemed to threaten the destruction of the only trade from whence the plantations derived any specie,<sup>5</sup> an act was made putting a stop to the future emission of paper currency, which used to supply its place among them. Hand in hand with this went another act, for obliging the colonies to provide quarters for soldiers. Instantly followed another law, for levying throughout all America new port duties, upon a vast variety of commodities of their consumption, and some of which lay heavy upon objects necessary for their trade and fishery. Immediately upon the heels of these, and amidst the uneasiness and confusion produced by a crowd of new impositions and regulations, some good, some evil, some doubtful, all crude and ill-considered, came another act, for imposing a universal stamp-duty on the colonies; and this was declared to be little more than an experiment, and a foundation of future revenue. To render these proceedings the more irritating to the colonies, the principal argument used in favor of their ability to pay such duties was the liberality of the grants of their assemblies during the late war. Never could any argument be more insulting and mortifying to a people habituated to the granting of their own money.

Taxes for the purpose of raising revenue had hitherto been sparingly attempted in America. Without ever doubting the extent of its lawful power, Parliament always doubted the propriety of such impositions. And the Americans on their part never thought of contesting a right by which they were so little affected. Their assemblies in the main answered all the purposes necessary to the internal economy of a free people, and provided for all the exigencies of government which arose amongst themselves. In the midst of that happy enjoyment, they never thought of critically settling the exact limits of a power which was necessary to their union, their safety, their equality, and even their liberty. Thus the two very difficult points, superiority in the presiding state, and freedom in the subordinate, were on the whole sufficiently, that is, practically, reconciled; without agitating those vexatious questions which in truth rather belong to metaphysics than politics, and which can never be moved without shaking the foundations of the best governments that have ever been constituted by human wisdom. By this measure was let loose that dangerous spirit of disquisition, not in the coolness of philosophical inquiry, but inflamed

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<sup>5</sup> The trade with the French and Spanish West Indies.

with all the passions of a haughty, resentful people, who thought themselves deeply injured, and that they were contending for everything that was valuable in the world.

In England, our ministers went on without the least attention to these alarming dispositions, just as if they were doing the most common things in the most usual way, and among a people not only passive, but pleased. They took no one step to divert the dangerous spirit which began even then to appear in the colonies, to compromise with it, to mollify it, or to subdue it. No new arrangements were made in civil government; no new powers or instructions were given to governors; no augmentation was made, or new disposition, of forces. Never was so critical a measure pursued with so little provision against its necessary consequences. As if all common prudence had abandoned the ministers, and as if they meant to plunge themselves and us headlong into that gulf which stood gaping before them, by giving a year's notice of the project of their Stamp Act they allowed time for all the discontents of that country to fester and come to a head, and for all the arrangements which factious men could make towards an opposition to the law. At the same time they carefully concealed from the eye of Parliament those remonstrances which they had actually received, and which in the strongest manner indicated the discontent of some of the colonies, and the consequences which might be expected; they concealed them even in defiance of an order of council that they should be laid before Parliament. Thus, by concealing the true state of the case, they rendered the wisdom of the nation as improvident as their own temerity, either in preventing or guarding against the mischief. . . .

### *The Rockingham Administration and the Repeal of the Stamp Act*

It was at this time, and in these circumstances, that a new administration was formed.<sup>6</sup> Professing even industriously, in this public matter, to avoid anecdotes, I say nothing of those famous

<sup>6</sup> Burke's *Short Account of a Late Short Administration* (Works, I, 265-8) summarizes the achievements of the Rockingham government. He stated: "With the Earl of Bute they had no personal connection; no correspondence of councils. . . . They practiced no corruption; nor were they even suspected of it. . . . In the prosecution of their measures they were traversed by an opposition of a new and singular character; an opposition of placemen and pensioners. . . . And having held their offices under many difficulties and discouragements, they left them at the express command, as they had accepted them at the earnest request, of their royal master."

reconciliations and quarrels which weakened the body that should have been the natural support of this administration. I run no risk in affirming that, surrounded as they were with difficulties of every species, nothing but the strongest and most uncorrupt sense of their duty to the public could have prevailed upon some of the persons who composed it to undertake the king's business at such a time. Their preceding character, their measures while in power, and the subsequent conduct of many of them, I think, leave no room to charge this assertion to flattery. Having undertaken the commonwealth, what remained for them to do? to piece their conduct upon the broken chain of former measures? If they had been so inclined, the ruinous nature of those measures, which began instantly to appear, would not have permitted it. Scarcely had they entered into office when letters arrived from all parts of America, making loud complaints, backed by strong reasons, against several of the principal regulations of the late ministry, as threatening destruction to many valuable branches of commerce. These were attended with representations from many merchants and capital manufacturers at home, who had all their interests involved in the support of lawful trade, and in the suppression of every sort of contraband. Whilst these things were under consideration, that conflagration blazed out at once in North America: a universal disobedience, and open resistance to the Stamp Act; and, in consequence, a universal stop to the course of justice, and to trade and navigation, throughout that great important country; an interval during which the trading interest of England lay under the most dreadful anxiety which it ever felt.

The repeal of that act was proposed. It was much too serious a measure, and attended with too many difficulties upon every side, for the then ministry to have undertaken it, as some paltry writers have asserted, from envy and dislike to their predecessors in office. As little could it be owing to personal cowardice, and dread of consequences to themselves. Ministers timorous from their attachment to place and power will fear more from the consequences of one court intrigue than from a thousand difficulties to the commerce and credit of their country by disturbances at three thousand miles distance. From which of these the ministers had most to apprehend at that time is known, I presume, universally. Nor did they take that resolution from a want of the fullest sense of the inconveniences which must necessarily attend a measure of concession from the sovereign to the subject. That it must increase the insolence of the mutinous spirits in America was but too obvious. No great measure indeed, at a very difficult crisis, can be

pursued which is not attended with some mischief; none but conceited pretenders in public business will hold any other language; and none but weak and unexperienced men will believe them if they should. . . .

The disobedience to this act was universal throughout America; nothing, it was evident, but the sending a very strong military, backed by a very strong naval force, would reduce the seditious to obedience. To send it to one town would not be sufficient; every province of America must be traversed, and must be subdued. I do not entertain the least doubt but this could be done. We might, I think, without much difficulty, have destroyed our colonies. This destruction might be effected probably in a year, or in two at the utmost. If the question was upon a foreign nation, where every successful stroke adds to your own power and takes from that of a rival, a just war with such a certain superiority would be undoubtedly an advisable measure. But *four million* of debt due to our merchants, the total cessation of a trade annually worth *four million* more, a large foreign traffic, much home manufacture, a very capital immediate revenue arising from colony imports, indeed the produce of every one of our revenues greatly depending on this trade, all these were very weighty accumulated considerations, at least well to be weighed, before that sword was drawn which even by its victories must produce all the evil effects of the greatest national defeat. How public credit must have suffered, I need not say. . . . Far from being able to have entered into new plans of economy, we must have launched into a new sea, I fear a boundless sea, of expense. . . .

Our trade felt this to its vitals; and our then ministers were not ashamed to say that they sympathized with the feelings of our merchants. The universal alarm of the whole trading body of England will never be laughed at by them as an ill-grounded or a pretended panic. . . . Nothing amongst us is more quickly or deeply affected by taxes of any kind than trade; and if an American tax was a real relief to England, no part of the community would be sooner or more materially relieved by it than our merchants. But they well know that the trade of England must be more burdened by one penny raised in America than by three in England; and if that penny be raised with the uneasiness, the discontent, and the confusion of America, more than by ten.

If the opinion and wish of the landed interest is a motive, and it is a fair and just one, for taking away a real and large revenue, the desire of the trading interest of England ought to be a just

ground for taking away a tax of little better than speculation, which was to be collected by a war, which was to be kept up with the perpetual discontent of those who were to be affected by it, and the value of whose produce even after the *ordinary* charges of collection was very uncertain . . .

These were some of the motives drawn from principles of convenience for that repeal. When the object came to be more narrowly inspected, every motive concurred. These colonies were evidently founded in subservience to the commerce of Great Britain. From this principle, the whole system of our laws concerning them became a system of restriction. A double monopoly was established on the part of the parent country: 1. A monopoly of their whole import, which is to be altogether from Great Britain, 2. A monopoly of all their export, which is to be nowhere but to Great Britain, as far as it can serve any purpose here. On the same idea it was contrived that they should send all their products to us raw, and in their first state; and that they should take everything from us in the last stage of manufacture.

Were ever a people under such circumstances — that is, a people who were to export raw, and to receive manufactured, and this, not a few luxurious articles, but all articles, even to those of the grossest, most vulgar, and necessary consumption, a people who were in the hands of a general monopolist — were ever such a people suspected of a possibility of becoming a just object of revenue? All the ends of their foundation must be supposed utterly contradicted before they could become such an object. Every trade law we have made must have been eluded, and become useless, before they could be in such a condition.

. . . I shall be ready to admit that the colonies ought to be taxed to the revenues of this country when I know that they are out of debt to its commerce. . . .

### *A New World Standing on New Principles*

Whoever goes about to reason on any part of the policy of this country with regard to America upon the mere abstract principles of government, or even upon those of our own ancient constitution, will be often misled. Those who resort for arguments to the most respectable authorities, ancient or modern, or rest upon the clearest maxims drawn from the experience of other states and empires, will be liable to the greatest errors imaginable. The object is wholly new in the world. It is singular; it is grown up to this magnitude and importance within the memory of man; nothing in history is parallel to it. All the reasonings about it that

are likely to be at all solid must be drawn from its actual circumstances. In this new system a principle of commerce, of artificial commerce, must predominate. This commerce must be secured by a multitude of restraints very alien from the spirit of liberty; and a powerful authority must reside in the principal state, in order to enforce them. But the people who are to be the subjects of these restraints are descendants of Englishmen, and of a high and free spirit. To hold over them a government made up of nothing but restraints and penalties, and taxes in the granting of which they can have no share, will neither be wise nor long practicable. People must be governed in a manner agreeable to their temper and disposition, and men of free character and spirit must be ruled with, at least, some condescension to this spirit and this character. The British colonist must see something which will distinguish him from the colonists of other nations.

Those reasonings which infer from the many restraints under which we have already laid America to our right to lay it under still more, and indeed under all manner of restraints, are conclusive—conclusive as to right, but the very reverse as to policy and practice. We ought rather to infer from our having laid the colonies under many restraints that it is reasonable to compensate them by every indulgence that can by any means be reconciled to our interest. We have a great empire to rule, composed of a vast mass of heterogeneous governments, all more or less free and popular in their forms, all to be kept in peace, and kept out of conspiracy, with one another, all to be held in subordination to this country; while the spirit of an extensive and intricate and trading interest pervades the whole, always qualifying, and often controlling, every general idea of constitution and government. It is a great and difficult object, and I wish we may possess wisdom and temper enough to manage it as we ought. Its importance is infinite.

. . . This colony intercourse is a new world of commerce in a manner created; it stands upon principles of its own; principles hardly worth endangering for any little consideration of extorted revenue.

The reader sees that I do not enter so fully into this matter as obviously I might. . . . It is enough to say that before the ministers of 1765 had determined to propose the repeal of the Stamp Act in Parliament, they had the whole of the American constitution and commerce very fully before them. They considered maturely; they decided with wisdom: let me add, with firmness. For they resolved, as a preliminary to that repeal, to assert in the



fullest and least equivocal terms the unlimited legislative right of this country over its colonies; and, having done this, to propose the repeal, on principles, not of constitutional right, but on those of expediency, of equity, of lenity, and of the true interests present and future of that great object for which alone the colonies were founded, navigation and commerce. This plan, I say, required an uncommon degree of firmness, when we consider that some of those persons who might be of the greatest use in promoting the repeal violently withstood the Declaratory Act,<sup>7</sup> and they who agreed with administration in the principles of that law equally made, as well the reasons on which the Declaratory Act itself stood as those on which it was opposed, grounds for an opposition to the repeal.

If the then ministry resolved first to declare the right, it was not from any opinion they entertained of its future use in regular taxation. Their opinions were full and declared against the ordinary use of such a power. But it was plain that the general reasonings which were employed against that power went directly to our whole legislative right; and one part of it could not be yielded to such arguments without a virtual surrender of all the rest. Besides, if that very specific power of levying money in the colonies were not retained as a sacred trust in the hands of Great Britain (to be used, not in the first instance for supply, but in the last exigence for control), it is obvious that the presiding authority of Great Britain, as the head, the arbiter, and director of the whole empire, would vanish into an empty name, without operation or energy. With the habitual exercise of such a power in the ordinary course of supply, no trace of freedom could remain to America. If Great Britain were stripped of this right, every principle of unity and subordination in the empire was gone forever. Whether all this can be reconciled in legal speculation is a matter of no consequence. It is reconciled in policy: and politics ought to be adjusted, not to human reasonings, but to human nature; of which the reason is but a part, and by no means the greatest part. . . .

Upon these principles was the act repealed, and it produced all the good effect which was expected from it: quiet was restored; trade generally returned to its ancient channels; time and means were furnished for the better strengthening of government there, as well as for recovering, by judicious measures, the affections of

<sup>7</sup> Repeal of the Stamp Act was accompanied by a Declaratory Act asserting the abstract right of Parliament to tax the colonies.

the people, had that ministry continued, or had a ministry succeeded with dispositions to improve that opportunity.

Such an administration did not succeed. Instead of profiting of that season of tranquillity, in the very next year they chose to return to measures of the very same nature with those which had been so solemnly condemned,<sup>8</sup> though upon a smaller scale. The effects have been correspondent. America is again in disorder; not indeed in the same degree as formerly, nor anything like it. Such good effects have attended the repeal of the Stamp Act that the colonies have actually paid the taxes; and they have sought their redress (upon however improper principles) not in their own violence, as formerly, but in the experienced benignity of Parliament. . . . Whether the return to the system of 1764 for raising a revenue in America, the discontents which have ensued in consequence of it, the general suspension of the assemblies in consequence of these discontents, the use of the military power, and the new and dangerous commissions which now hang over them will produce equally good effects is greatly to be doubted. Never, I fear, will this nation and the colonies fall back upon their true center of gravity, and natural point of repose, until the ideas of 1766 are resumed, and steadily pursued. . . .

## *2. Taxation of the American Colonies*

¶ The Townshend Acts of 1767, by which Parliament laid new duties on a number of colonial importations in order to raise a revenue for the maintenance of colonial government establishments, produced an indignant and violent reaction in America. The boycott of British goods by colonial merchants' non-importation agreements, which had helped to force repeal of the Stamp Act, was revived and extended. Payment of customs was resisted. The British government sent troops to uphold its authority, and actual bloodshed occurred in the "Boston massacre" of 1770. Shortly before this event George III dismissed the Duke of Grafton and chose a new government headed by Lord North, who was to remain in office as an obedient servant of the King for twelve fateful and disastrous years. The ministry immediately attempted to appease the colonists by repealing all the Townshend duties

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<sup>8</sup> The Grafton-Chatham ministry succeeded Rockingham's. Charles Townshend was Chancellor of the Exchequer, and his name is associated with new revenue acts of 1767 which imposed duties on glass, lead, paint, paper, and tea imported into the colonies. The revenue was to be used to defray the costs of colonial civil government, and defense.

except a small tax on tea, which was retained to vindicate the British Parliament's right of taxation in the colonies. But by this time the colonists were attached to an opposite principle: that Parliament had no right to tax them at all without the consent of their own legislatures. The tea duty was admittedly a trifle, but to pay it meant acknowledging a right that might later be invoked to justify the imposition of heavier burdens. Lord North's government would not yield the point, and the refusal was one of the causes of the Boston "tea party" in 1773. The British coercive measures that were taken in retaliation provoked the American war for independence.

Burke, who in 1771 had become the agent in Great Britain for the province of New York, opposed every step in this course of events. On April 19, 1774 he appealed in the House of Commons for a return to "the system of 1766." He said:<sup>9</sup> ¶

. . . How we have fared since then: what woeful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and, on meeting that resistance, recalled; what shiftings, and changes, and jumbings of all kinds of men at home, which left no possibility of order, consistency, vigor, or even so much as a decent unity of color in any one public measure — It is a tedious, irksome task. My duty may call me to open it out some other time . . . for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of Parliament stating that "it is *expedient* to raise a revenue in America." By a partial repeal<sup>10</sup> you annihilated the greatest part of that revenue which this preamble declares to be so expedient. You have substituted no other in the place of it. A Secretary of State<sup>11</sup> has disclaimed, in the King's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an American revenue expedient, and

<sup>9</sup> *Speech on American Taxation*, Works, II, 69-78.

<sup>10</sup> Legislation of 1770.

<sup>11</sup> Lord Hillsborough, Secretary of State for the Colonies, 1768-1772.

for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the colonies, and is an exhaustless source of jealousy and animosity. On this state — which I take to be a fair one — not being able to discern any grounds of honor, advantage, peace, or power for adhering either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.<sup>12</sup>

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honorable right or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further, but unreasonable claims — why, then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace, with better effect, and with great probable concurrence of all the quiet and rational people in the provinces, who are now united with and hurried away by the violent — having, indeed, different dispositions, but a common interest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this. when you have recovered your old, your strong, your tenable position, then face about — stop short — do nothing more — reason not at all — oppose the ancient policy and practice of the empire as a rampart against the speculations of innovators on both sides of the question — and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your ministers, in their own and his Majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences: that is, if external taxation be understood, as they and you understand it, when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting establishments.<sup>13</sup> The distinction, which is as nothing with regard

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<sup>12</sup> He was speaking on a motion for the House to go into committee of the whole to consider repeal of the tea duty.

<sup>13</sup> The colonies were long accustomed to tariffs for regulating trade in the British Empire. The special grievance of the Townshend duties was that they were designed to raise a revenue to support the estab-

to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity, try it, I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. . . .

### *"Nobody Will Be Argued into Slavery"*

Again, and again, revert to your old principles—seek peace and ensure it—leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions in contradiction to that good old mode, on both sides, be extinguished forever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up and tell me what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose, without the least share in granting  
lishment of civil government. Hence they aroused the same objections as the Stamp Act

them. When they bear the burdens of unlimited monopoly, will you bring them to bear the burdens of unlimited revenue too? The Englishman in America will feel that this is slavery; that it is *legal* slavery will be no compensation either to his feelings or his understanding.

. . . Reflect how you are to govern a people who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America that, after wading up to your eyes in blood, you could only end just where you begun—that is, to tax where no revenue is to be found, to— My voice fails me; my inclination, indeed, carries me no further; all is confusion beyond it.

Well, Sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the Declaratory Act, asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part, I look upon the rights stated in that act exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The Parliament of Great Britain sits at the head of her extensive empire in two capacities. One as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude of her power. She is never to intrude into the place of the others whilst they are equal to the common ends of their institution. But in order to enable Parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of Parliament limited may please themselves to talk of requisitions. But

suppose the requisitions are not obeyed? What! shall there be no reserved power in the empire to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war—the Secretary of State calls upon the colonies to contribute—some would do it, I think most would cheerfully furnish whatever is demanded—one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others—surely it is proper that some authority might legally say, “Tax yourselves for the common supply, or Parliament will do it for you.” This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissensions in the colony. But whether the fact were so or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power, nor ever used in the first instance. This is what I meant when I have said, at various times, that I consider the power of taxing in Parliament as an instrument of empire, and not as a means of supply.

Such, Sir, is my idea of the constitution of the British Empire, as distinguished from the constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole—whether to serve a refining speculatist or a factious demagogue I know not, but enough surely for the ease and happiness of man.

Sir, whilst we held this happy course, we drew more from the colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war; it has never been once denied; and what reason have we to imagine that the colonies would not have proceeded in supplying government as liberally if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course—by attempting to take, instead of being satisfied to receive? Sir William Temple says that Holland has loaded itself with ten times the impositions which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate nor how to extract.

I charge, therefore, to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for. It is morally certain that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces never could have pursued,

even in that light, a course more directly repugnant to their purposes. . . .

On this business of America, I confess I am serious, even to sadness. I have had but one opinion concerning it since I sat, and before I sat, in Parliament. . . . I have in all seasons adhered to the system of 1766 for no other reason than that I think it laid deep in your truest interests; and that, by limiting the exercise, it fixes on the firmest foundations a real, consistent, well-grounded authority in Parliament. Until you come back to that system, there will be no peace for England.

### 3. *Conciliation with the Colonies*

¶ The efforts of Burke and a shrinking opposition to the North ministry were of no avail in arresting the drift toward war. New repressive measures were passed by Parliament, as American resistance stiffened and the First Continental Congress assembled at Philadelphia. Burke witnessed impotently and in near despair the events that were destroying the imperial unity he passionately desired to preserve. In October 1774 the King dissolved Parliament and ordered new elections. Burke's championship of colonial pacification for the welfare of British commercial interests led to his being invited to stand for election as member of Parliament for the city of Bristol. On arriving there for the poll, October 13, he told his prospective constituents: "I have held, and ever shall maintain, to the best of my power, unimpaired and undiminished, the just, wise, and necessary constitutional superiority of Great Britain. This is necessary for America as well as for us. . . . But I have ever had a clear opinion, and have ever held a constant correspondent conduct, that this superiority is consistent with all the liberties a sober and spirited American ought to desire. I never mean to put any colonist, or any human creature, in a situation not becoming a free man. To reconcile British superiority with American liberty shall be my great object . . . I am far from thinking that both, even yet, may not be preserved."<sup>14</sup>

Toward this end, on the eve of the battle of Lexington, Burke made one of his supreme parliamentary efforts. Taking as his cue, but describing scornfully as "a method of ransom by auction," Lord North's belated conciliatory gesture—a proposal to exempt from imperial taxation for the purpose of revenue any colony that would make a satisfactory offer for the support of the civil

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<sup>14</sup> *Speech at His Arrival at Bristol*, Works, II, 86–7.



and military government — Burke delivered, on March 22, 1775, his *Speech on Moving Resolutions for Conciliation with the Colonies*.<sup>15</sup> One of his principal biographers, John Morley, said of this speech, of the *Speech on American Taxation*, and of the 1777 *Letter to the Sheriffs of Bristol*, that of all Burke's writings "none are so fit to secure unqualified and unanimous admiration. . . . It is no exaggeration to say that they compose the most perfect manual in our literature, or any literature, for one who approaches the study of public affairs, whether for knowledge or for practice."<sup>16</sup> ¶

. . . Surely it is an awful subject—or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British Empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts, to ballast my conduct, to preserve me from being blown about by every wind of fashionable doctrine. . . .

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament, having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted

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<sup>15</sup> Works, II, 101–82.

<sup>16</sup> *Burke* (English Men of Letters Series, London, 1888 edition), pp. 115–16.

—that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, a heightening of the distemper, until, by a variety of experiments, that important country has been brought into her present situation: a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member,<sup>17</sup> of great parliamentary experience, who in the year 1766 filled the chair of the American Committee with much ability, took me aside and, lamenting the present aspect of our<sup>18</sup> politics, told me things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated—that the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity—that the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent which nothing could satisfy, whilst we accused every measure of vigor as cruel and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries; we must produce our hand; it would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government, and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation, too. . . . No man was, indeed, ever better disposed, or worse qualified, for such an undertaking, than myself. Though I gave so far in to his opinion that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only in-

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<sup>17</sup> Mr. Rose Fuller.

<sup>18</sup> The prestige of the opposition was at low ebb; in the public eye Burke and his political friends appeared querulous and negatively obstructive.

effectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule, not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government, nor of any politics in which the plan is to be wholly separated from the execution. . . .

To restore order and repose to an empire so great and so distracted as ours is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm I derived, at length, some confidence from what in other circumstances usually produces timidity I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. . . .

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. . . .

My idea is nothing more. Refined policy ever has been the parent of confusion — and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears.

. . . I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace

with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses forever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

### *The Nature of the American Colonies*

The capital leading questions on which you must this day decide are these two: first, whether you ought to concede; and secondly, what your concession ought to be. . . . Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us: because, after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations, not according to abstract ideas of right, by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color — besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. . . . Such is the strength with which population shoots in that part of the world that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation because, Sir, this consideration will make it evident to a blunter discernment than yours that no partial, narrow, contracted, punched, occasional system

will be at all suitable to such an object. . . . It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. . . .

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies as it stood in the year 1704 and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. . . .

The trade with America alone is now within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! . . . But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended, but with this material difference: that of the six millions which in the beginning of the century constituted the whole mass of our export commerce the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical. . . .

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive the burden of life, how many materials which invigorate the springs of national industry and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass, therefore, to the colonies in another point of view: their

agriculture. This they have prosecuted with such a spirit that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. . . . At the beginning of the century some of these colonies imported corn from the mother country. For some time past the Old World has been fed from the New. . . .

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar.<sup>19</sup> You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale-fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition,<sup>20</sup> is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that, whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people — a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things — when I know that

<sup>19</sup> The importance of the fisheries in the economy of the colonies was stressed in a petition of the merchants of London presented and read to the House on February 24, 1775, during the debates on a bill to restrain the trade of the New England colonies and exclude their inhabitants from the Newfoundland fisheries.

<sup>20</sup> After having almost gone to war with Spain in 1770 because of a dispute over this island in the South Atlantic, the English abandoned their post there in 1774.

the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection — when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me — my rigor relents — I pardon something to the spirit of liberty.

### *The American Love of Freedom*

. . . America, gentlemen say, is a noble object — it is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource: for, conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and authority are *sometimes* bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover, but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the *British* strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape, but I can make no insurance against such an event.

Let me add that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it, and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce: I mean its *temper and character*.

In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable whenever they see the least attempt to wrest from them by force, or shuffle from them by chicanery, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth, and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the



several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised, the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went much further: they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. . . . I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is that they did thus apply those general arguments, and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree: some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that

looks like absolute government is so much to be sought in their religious tenets as in their history. Everyone knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails, that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance: it is the dissidence of dissent, and the protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners which has been constantly flowing into these colonies has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive, by their manner, that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend

the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles, and such will be all masters of slaves, who are not slaves themselves. . . .

Permit me, Sir, to add another circumstance in our colonies which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country, perhaps, in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science . . . This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance, here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea; but there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you that should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Kurdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets

such obedience as he can. He governs with a loose rein that he may govern at all; and the whole of the force and vigor of his authority in his center is derived from a prudent relaxation in all his borders. Spain, in her provinces, is perhaps not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources, of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth—a spirit that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

### *The Three Ways of Proceeding*

I do not mean to commend either the spirit in this excess or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is not whether their spirit deserves praise or blame—what, in the name of God, shall we do with it? You have before you the object, such as it is—with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. . . . Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it, knowing in general what an operose business it is to es-

tablish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. . . . This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts.<sup>21</sup> We were confident that the first feeling, if not the very prospect of anarchy would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles formerly believed infallible are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring

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<sup>21</sup> The Massachusetts Government Act, May 20, 1774.

to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

. . . Sir, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are. to change that spirit, as inconvenient, by removing the causes; to prosecute it, as criminal; or to comply with it, as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has, indeed, been started — that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. . . .

The first of these plans — to change the spirit, as inconvenient, by removing the causes — I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties: some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections: the first, that there is already so much unsettled land in private hands as to afford room for an immense future population although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence

they behold before them an immense plain, one vast, rich, level meadow: a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars, and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counselors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would and, in no long time, must be the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." . . . Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. . . .

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind — a disposition even to continue the restraint after the offense — looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that Nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. . . .

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent, or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science, to banish their lawyers from their courts of law, or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us, not quite so effectual, and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves.<sup>22</sup> This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise, too, and arm servile hands in defense of freedom<sup>3</sup> — a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their pres-

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<sup>22</sup> Early in 1775 Lord Dunmore, royal governor in Virginia, made a promise to this effect.



ent masters—from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? <sup>23</sup> An offer of freedom from England would come rather oddly, shipped to them in an African vessel which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola Negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. . . .

If, then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us—the second mode under consideration is to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference, in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. . . . I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that for wise men this is not judicious, for sober men not decent, for minds tinctured with humanity not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one

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<sup>23</sup> In its act, "The Association," the First Continental Congress in October 1774 agreed "we will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade."

common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes—often, too, very bitter disputes, and much ill blood—will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power; for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that if any privilege is pleaded against his will or his acts, that his whole authority is denied—instantly to proclaim rebellion, to bear to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason is a government to which submission is equivalent to slavery? . . .

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured judicial confidence until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see the same party at once a civil litigant against me in a point of right and a culprit before me, while I sit as criminal judge on acts of his whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the

complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For, though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

If, then, the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open but the third and last — to comply with the American spirit as necessary, or, if you please, to submit to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. . . .

*The Proposal: To Admit the People of the Colonies  
to an Interest in the Constitution*

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true: I put it totally out of the question. It is less than nothing in my consideration. . . . I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of Nature—or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only thickens the confusion; for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damietta and Mount Casius old, where armies whole have sunk*. I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? . . .

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. . . .

My idea, therefore, without considering whether we yield as matter of right or grant as matter of favor, is *to admit the people*

*of our colonies into an interest in the constitution; and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit that we mean forever to adhere to that solemn declaration of systematic indulgence. . . .*

I have taken a very incorrect measure of the disposition of the House if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is we are too acute, we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess that they hope no good from taxation; but they apprehend the colonists have further views, and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. . . .

One fact is clear and indisputable. the public and avowed origin of this quarrel was on taxation. This quarrel has, indeed, brought on new disputes on new questions, but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. . . . Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case, to make a rule for itself? Is all authority of course lost when it is not pushed to the extreme? Is it a certain maxim that the fewer causes of dissatisfaction are left by

government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities, a total renunciation of every speculation of my own, and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

### *Precedents in the English Constitution*

. . . Sir, I am sure that I shall not be misled when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety), I found four capital examples in a similar case before me — those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English Parliament itself was at that time modeled according to the present form is disputed among antiquarians. But we have all the reason in the world to be assured that a form of Parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. . . . It was not English arms, but the English constitution, that conquered Ireland . . .

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. . . . The manners of the Welsh nation followed the genius of the government: the people were ferocious, restive, savage, and uncultivated — sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm.

Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. . . .

Here we rub our hands—a fine body of precedents for the authority of Parliament and the use of it! I admit it fully; and pray add likewise to these precedents that all the while Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burden; and that an Englishman traveling in that country could not go six yards from the highroad without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered, that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry the Eighth the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. . . .

The very same year the County Palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. . . . Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles

the Second with regard to the County Palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed that the style of the preamble is nearly the same with that of the Chester act; and, without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of Parliament, avail anything, what can be said against applying them with regard to America? . . . Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood? or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How, then, can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the colonies in Parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*. I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible.<sup>24</sup> As I meddle with no theory, I do not absolutely assert the impracticability of such a representation; but I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it

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<sup>24</sup> For a full statement of Burke's view on the impracticability of colonial representation in Parliament, see his *Observations on . . . "State of the Nation,"* Works, I, 370-6.



altogether. If we cannot give the principal, let us find a substitute. But how? where? what substitute?

Fortunately, I am not obliged, for the ways and means of this substitute, to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths: not to the Republic of Plato, not to the Utopia of More, not to the Oceana of Harrington. . . . I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament — and as to the practice, to return to that mode which a uniform experience has marked out to you as best, and in which you walked with security, advantage, and honor until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition*; to mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war; to acknowledge that this legal competency has had a *dutiful and beneficial exercise*, and that experience has shown *the benefit of their grants*, and *the futility of parliamentary taxation, as a method of supply*.

These solid truths compose six fundamental propositions. . . . I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence that, if you admitted these, you would command an immediate peace, and, with but tolerable future management, a lasting obedience in America. . . .

### *The Six Resolutions*

The first is a resolution: "That the colonies and plantations of Great Britain in North America, consisting of fourteen<sup>25</sup> separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament." This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of Parliament.

The second is like unto the first: "That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by Parlia-

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<sup>25</sup> Including Nova Scotia.

ment, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies, given, granted, and assented to, in the said court, in a manner prejudicial to the common wealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of Parliament. . . . It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering—the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. . . .

The next proposition is: "That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though, in my private judgment, a useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us; but I abstain from opinions.

The fourth resolution is: "That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the free-men, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes towards defraying all sorts of public services." This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is: "An aid to his Majesty"; and acts granting to the crown have regularly, for near a century, passed the public offices without dispute. . . .

The fifth resolution is also a resolution of fact: "That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several

large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by Parliament."

To say nothing of their great expenses in the Indian wars, and not to take their exertion in foreign ones, so high as the supplies in the year 1695, not to go back to their public contributions in the year 1710, I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact authenticated by Parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April 1748, a committee of this House came to the following resolution: "*Resolved*, That it is the opinion of this committee, *that it is just and reasonable*, that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies." . . .

On the 28th of January 1756, a message from the King came to us, to this effect: "His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defense of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3d of February 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message; but with the further addition that the money then voted was as an *encouragement* to the colonies to exert themselves with vigor. . . .

Sir, here is the repeated acknowledgment of Parliament that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution, therefore, does nothing more than collect into one proposition what is scattered through your jour-

nals I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail

I think, then, I am, from those journals, justified in the sixth and last resolution, which is "That it hath been found by experience, that the manner of granting the said supplies and aids by the said general assemblies hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in Parliament, to be raised and paid in the said colonies "

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is whether you will choose to abide by a profitable experience or a mischievous theory? whether you choose to build on imagination or fact? whether you prefer enjoyment or hope? satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it .

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is, besides, a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution, or even the whole of it together . . . All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take, we remit some rights that we may enjoy others, and we choose rather to be happy citizens than subtle disputants. As we must give away some natural lib-

erty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. . . . None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose as well as what we are to gain: and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

### *Imperial Unity and "the Spirit of the English Communion"*

The Americans will have no interest contrary to the grandeur and glory of England when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire. . . . Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had

from the beginning a separate, but not an independent legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

. . . You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done today. I have been the less fearful of trying your patience because on this subject I mean to spare it altogether in future. I have this comfort: that in every stage of the American affairs I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does: for it secures to the subject the power of REFUSAL — the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not, indeed, vote you £152,750 : 11 : 2¾ths, nor any other paltry limited sum; but it gives the strong-box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom. . . . Cannot you in England, cannot you at this time of day, cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume that, in any country, a body duly constituted for any function will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply from a free assembly has no foundation in nature. For first observe that, besides the desire which all men have naturally of supporting the honor of their own government,

that sense of dignity, and that security to property, which ever attends freedom has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic machinery in the world?

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamblers; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted than that government will not be supplied. Whereas whatever is got by acts of absolute power ill obeyed because odious, or by contracts ill kept because constrained, will be narrow, feeble, uncertain, and precarious. . . .

But to clear up my ideas on this subject—a revenue from America transmitted hither? Do not delude yourselves you can never receive it—no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? For, certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties here, and gives you at the same time a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from

common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government—they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another, that these two things may exist without any mutual relation—the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have, the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land-Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely, no! It is the love of the people; it is their attachment to their



government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble and your navy nothing but rotten timber

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything, and all in all Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the Church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By averting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be. . . .

#### 4. *The War with America*

¶ While Burke pleaded in Parliament for conciliation with the colonies, the British army at Boston was facing revolutionary developments. A few weeks later the first shots of the war were fired at Lexington and Concord. The Continental Army came into existence and within a year the British evacuated Boston. Progress of the revolt stiffened George III's determination to subdue it and increased the national support which he commanded for that policy. In June 1776 a strong British force under General Howe sailed from Halifax to New York and occupied Staten Island the day before the Continental Congress at Philadelphia issued the Declaration of Independence. A series of easy British successes that summer sent Washington into retreat across New Jersey. By the end of the year Howe was preparing

to capture Philadelphia, while Burgoyne was drafting plans to march from Canada down the Hudson valley and cut the rebellious confederation in two. The military situation combined with the radical action of the Continental Congress to strengthen both the confidence of the British government and the angry determination of its supporters in Parliament. The opposition splintered and dwindled. In frustration and near-despair Burke and other Rockingham Whigs "seceded" from Parliament, attending only on ordinary business but withdrawing from the House when questions concerning America were discussed. They said they had tired of opposing reason and argument to blind power and the weight of numbers.

Had Rockingham and his friends been fully pervaded by Burke's spirit, and had they followed his advice completely, the secession would have worn a different aspect. In January 1777 Burke wrote to his party chieftain that the American cause appeared to be lost. Benjamin Franklin had just reached Paris on a mission to enlist French aid, but Burke believed he would fail, in which event Franklin presumably would negotiate with the British ambassador in Paris to end the struggle on the basis of continued dependence on the crown. On that supposition Burke "thought it not wholly impossible that the Whig party might be made a sort of mediators of the peace."<sup>26</sup> Having lost faith in American resistance to George III's principles of government, Burke was now primarily alarmed lest the King's victory in the colonies prove the prelude to subversion of constitutional liberty in Britain. Hence he urged Rockingham to capitalize boldly whatever opportunity might present itself to the Whig opposition to take the lead for pacification. He recommended a secession of the opposition, not as a sulking defeatist withdrawal, but as a dramatic political gesture, to be accompanied by publication of addresses to the King and the colonists. His proposed address to the King was a strong indictment of the ministry, an appeal for moderation and conciliatory indulgence toward the unfortunate colonists, a defense of traditional English rights, and a warning that George III's throne could not "stand secure upon the principles of unconditional submission and passive obedience—on powers exercised without the concurrence of the people to be governed—on acts made in defiance of their prejudices and habits—on acquiescence procured by foreign mercenary troops, and secured by standing armies."<sup>27</sup>

<sup>26</sup> Works, VI, 152.

<sup>27</sup> Ibid., 178.

In the proposed address to the colonists, Burke offered fraternal reconciliation, appealed to the common traditions of British subjects, and envisaged reunion under a wise revision of the British constitution. "Public troubles," he wrote, "have often called upon this country to look to its constitution. It has ever been bettered by such a revision. If our happy and luxuriant increase of dominion, and our diffused population, have outgrown the limits of a constitution made for a contracted object, we ought to bless God, who has furnished us with this noble occasion for displaying our skill and beneficence in enlarging the scale of rational happiness, and of making the politic generosity of this kingdom as extensive as its fortune."<sup>18</sup>

But the spirit that animated these proposed manifestoes did not pervade the breasts of Burke's political colleagues, who lacked the will to fight even against a government bill, passed early in 1777, which partially suspended the *Habeas Corpus* Act in the United Kingdom. The measure exemplified the danger to English liberties at home which Burke feared must arise from a suppression of those liberties in America. He set forth his views for the benefit of his constituents in *A Letter to the Sheriffs of the City of Bristol on the Affairs of America*<sup>19</sup> (April 3, 1777). In it he dwelt not only upon the new oppressive legislation, but upon the war, upon the ill-conceived policies that had provoked the war, and upon the principles of empire. The letter contains a classic utterance on the necessity of prudence and avoidance of abstract theoretical extremes in the affairs of government. He began by adverting to the act suspending *habeas corpus*, and he said: ¶

. . . It seems to have in view two capital objects: the first, to enable administration to confine, as long as it shall think proper, those whom that act is pleased to qualify by the name of *pirates*. Those so qualified I understand to be the commanders and mariners of such privateers and ships of war belonging to the colonies as in the course of this unhappy contest may fall into the hands of the crown. They are therefore to be detained in prison, under the criminal description of piracy, to a future trial and ignominious punishment, whenever circumstances shall make it convenient to execute vengeance on them, under the color of that odious and infamous offense.

To this first purpose of the law I have no small dislike, because the act does not (as all laws and all equitable transactions

<sup>18</sup> Ibid. 194.

<sup>19</sup> Works, II, 189-245.

ought to do) fairly describe its object. The persons who make a naval war upon us, in consequence of the present troubles, may be rebels; but to call and treat them as pirates is confounding not only the natural distinction of things, but the order of crimes; which, whether by putting them from a higher part of the scale to the lower or from the lower to the higher, is never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a *less* offence than treason, yet, as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow-creature whatever any sort of advantage which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offense, when I cannot soften his punishment. . . . The act prepares a sort of masked proceeding, not honorable to the justice of the kingdom, and by no means necessary for its safety. . . .

Besides, I must honestly tell you that I could not vote for, or countenance in any way, a statute which stigmatizes with the crime of piracy these men whom an act of Parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offense of exercising trade, to be divided as a spoil among the seamen of the navy — to consider the necessary reprisal of an unhappy, proscribed, interdicted people as the crime of piracy would have appeared, in any other legislature than ours, a strain of the most insulting and most unnatural cruelty and injustice. I assure you I never remember to have heard of anything like it in any time or country.

The second professed purpose of the act is to detain in England for trial those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, Gentlemen, to apprise you that there is an act, made so long ago as in the reign of Henry the Eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769 Parliament thought proper to acquaint the crown with their construction of that act in a formal address, wherein they entreated his Majesty to cause persons charged with high treason in America to be brought into this kingdom for trial. By this act of Henry the Eighth, *so construed and so applied*, almost all that is substantial and beneficial in a trial by jury is taken away from the subject in the colonies. . . . A person is

brought hither in the dungeon of a ship's hold; thence he is vomited into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no one local circumstance that tends to detect perjury can possibly be judged of; such a person may be executed according to form, but he can never be tried according to justice.

I therefore could never reconcile myself to the bill I send you, which is expressly provided to remove all inconveniences from the establishment of a mode of trial which has ever appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest, juridical principles and institutions of England are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose, that what was not just should not be convenient. Convinced of this, I would leave things as I found them. The old, cool-headed, general law is as good as any deviation dictated by present heat. . . .

### *The Partial Suspension of Habeas Corpus*

But it really appears to me that the means which this act employs are at least as exceptionable as the end. Permit me to open myself a little upon this subject; because it is of importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature, that I should justify my dissent by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the Common Law and the statute *Habeas Corpus* (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, Gentlemen, that this appears to me as bad in the principle, and far worse in its consequence, than a universal suspension of the *Habeas Corpus* Act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But, unfortunately, it is

the kind of slavery the most easily admitted in times of civil discord; for parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding it is never the faction of the predominant power that is in danger; for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions but this — "that, whenever an act is made for a cessation of law and justice, the whole people should be universally subjected to the same suspension of their franchises." The alarm of such a proceeding would then be universal. It would operate as a sort of *call of the nation*. It would become every man's immediate and instant concern to be made very sensible of *the absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly so dangerous to freedom. They are marked with too strong lines to slide into use. No plea, nor pretense, of *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is when liberty is nibbled away, for expedients, and by parts. The *Habeas Corpus* Act supposes, contrary to the genius of most other laws, that the lawful magistrate may see particular men with a malignant eye, and it provides for that identical case. But when men, in particular descriptions, marked out by the magistrate himself, are delivered over by Parliament to this possible malignity, it is not the *Habeas Corpus* that is occasionally suspended, but its spirit that is mistaken, and its principle that is subverted. Indeed, nothing is security to any individual but the common interest of all.

This act, therefore, has this distinguished evil in it, that it is the first *partial* suspension of the *Habeas Corpus* that has been made. The precedent, which is always of very great importance, is now established. For the first time a distinction is made among the people within this realm. Before this act, every man putting his foot on English ground, every stranger owing only a local and temporary allegiance, even Negro slaves who had been sold in the colonies and under an act of Parliament, became as free as every other man who breathed the same air with them. Now a line is drawn, which may be advanced further and further at pleasure, on the same argument of mere expedience on which it was first described. There is no equality among us; we are not

fellow-citizens if the mariner who lands on the quay does not rest on as firm legal ground as the merchant who sits in his counting-house. Other laws may injure the community; this dissolves it. As things now stand, every man in the West Indies, every one inhabitant of three unoffending provinces on the continent, every person coming from the East Indies, every gentleman who has traveled for his health or education, every mariner who has navigated the seas, is, for no other offense, under a temporary proscription. Let any of these facts (now become presumptions of guilt) be proved against him, and the bare suspicion of the crown puts him out of the law. . . .

### *The Fruits of the American War*

The act of which I speak is among the fruits of the American war—a war in my humble opinion productive of many mischiefs, of a kind which distinguish it from all others. Not only our policy is deranged, and our empire distracted, but our laws and our legislative spirit appear to have been totally perverted by it. We have made war on our colonies, not by arms only, but by laws. As hostility and law are not very concordant ideas, every step we have taken in this business has been made by trampling on some maxim of justice or some capital principle of wise government. What precedents were established, and what principles overturned (I will not say of English privilege, but of general justice), in the Boston Port, the Massachusetts Charter, the Military Bill, and all that long array of hostile acts of Parliament by which the war with America has been begun and supported! Had the principles of any of these acts been first exerted on English ground, they would probably have expired as soon as they touched it. But by being removed from our persons, they have rooted in our laws, and the latest posterity will taste the fruits of them.

Nor is it the worst effect of this unnatural contention that our *laws* are corrupted. Whilst *manners* remain entire, they will correct the vices of law, and soften it at length to their own temper. But we have to lament that in most of the late proceedings we see very few traces of that generosity, humanity, and dignity of mind which formerly characterized this nation. War suspends the rules of moral obligation, and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-

citizens in a hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune. But we have no charter of exemption, that I know of, from the ordinary frailties of our nature.

What but that blindness of heart which arises from the frenzy of civil contention could have made any persons conceive the present situation of the British affairs as an object of triumph to themselves or of congratulation to their sovereign? Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom than to see the insane joy of several unhappy people amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe. We behold (and it seems some people rejoice in beholding) our native land, which used to sit the envied arbiter of all her neighbors, reduced to a servile dependence on their mercy<sup>40</sup>—acquiescing in assurances of friendship which she does not trust—complaining of hostilities which she dares not resent—deficient to her allies, lofty to her subjects, and submissive to her enemies—whilst the liberal government of this free nation is supported by the hireling sword of German boors and vassals, and three millions of the subjects of Great Britain are seeking for protection to English privileges in the arms of France!

These circumstances appear to me more like shocking prodigies than natural changes in human affairs. Men of firmer minds may see them without staggering or astonishment. Some may think them matters of congratulation and complimentary addresses; but I trust your candor will be so indulgent to my weakness as not to have the worse opinion of me for my declining to participate in this joy, and my rejecting all share whatsoever in such a triumph. I am too old, too stiff in my inveterate partialities, to be ready at all the fashionable evolutions of opinion. I scarcely know how to adapt my mind to the feelings with which the Court Gazettes mean to impress the people. It is not instantly that I can be brought to rejoice when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the

<sup>40</sup> Reference is to the danger of an attack by France and Spain



White Plains by Colonel Rahl has no charms for me, and I fairly acknowledge that I have not yet learned to delight in finding Fort Knipphausen in the heart of the British dominions<sup>31</sup>

It might be some consolation for the loss of our old regards if our reason were enlightened in proportion as our honest prejudices are removed. Wanting feelings for the honor of our country, we might then in cold blood be brought to think a little of our interests as individual citizens and our private conscience as moral agents.

Indeed, our affairs are in a bad condition. I do assure those gentlemen who have prayed for war, and obtained the blessing they have sought, that they are at this instant in very great straits. The abused wealth of this country continues a little longer to feed its distemper. As yet they, and their German allies of twenty hireling states, have contended only with the unprepared strength of our own infant colonies. But America is not subdued. Not one unattacked village which was originally adverse throughout that vast continent has yet submitted from love or terror. You have the ground you encamp on, and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread devastation, but you do not enlarge the sphere of authority. . . .

### *A Total Misconception of America*

I can well conceive a country completely overrun, and miserably wasted, without approaching in the least to settlement. In my apprehension, as long as English government is attempted to be supported over Englishmen by the sword alone, things will thus continue. I anticipate in my mind the moment of the final triumph of foreign military force. When that hour arrives (for it may arrive), then it is that all this mass of weakness and violence will appear in its full light. If we should be expelled from America, the delusion of the partisans of military government might still continue. They might still feed their imaginations with the possible good consequences which might have attended success. Nobody could prove the contrary by facts. But in case the sword should do all that the sword can do, the success of their arms and the defeat of their policy will be one and the same thing. You will never see any revenue from America. Some increase of the means of corruption, without ease of the public burdens, is the

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<sup>31</sup> After its capture by the British, Fort Independence (then in Westchester County of New York) was renamed for the Hessian General Knipphausen.

very best that can happen. Is it for this that we are at war — and in such a war?

As to the difficulties of laying once more the foundations of that government which, for the sake of conquering what was our own, has been voluntarily and wantonly pulled down by a court faction here, I tremble to look at them. Has any of these gentlemen who are so eager to govern all mankind shown himself possessed of the first qualification towards government, some knowledge of the object, and of the difficulties which occur in the task they have undertaken?

I assure you that, on the most prosperous issue of your arms, you will not be where you stood when you called in war to supply the defects of your political establishment. Nor would any disorder or disobedience to government which could arise from the most abject concession on our part ever equal those which will be felt after the most triumphant violence. You have got all the intermediate evils of war into the bargain.

I think I know America — if I do not, my ignorance is incurable, for I have spared no pains to understand it — and I do most solemnly assure those of my constituents who put any sort of confidence in my industry and integrity, that everything that has been done there has arisen from a total misconception of the object: that our means of originally holding America, that our means of reconciling with it after quarrel, of recovering it after separation, of keeping it after victory, did depend, and must depend, in their several stages and periods, upon a total renunciation of that unconditional submission which has taken such possession of the minds of violent men. The whole of those maxims upon which we have made and continued this war must be abandoned. Nothing, indeed (for I would not deceive you), can place us in our former situation. That hope must be laid aside. But there is a difference between bad and the worst of all. Terms relative to the cause of the war ought to be offered by the authority of Parliament. An arrangement at home promising some security for them ought to be made. By doing this, without the least impairing of our strength, we add to the credit of our moderation, which, in itself, is always strength more or less.

### *The Need for a Conciliatory Temper*

I know many have been taught to think that moderation in a case like this is a sort of treason, and that all arguments for it are sufficiently answered by railing at rebels and rebellion, and by charging all the present or future miseries which we may suf-

fer on the resistance of our brethren. But I would wish them, in this grave matter, and if peace is not wholly removed from their hearts, to consider seriously, first, that to criminate and recriminate never yet was the road to reconciliation, in any difference amongst men. In the next place, it would be right to reflect that the American English (whom they may abuse, if they think it honorable to revile the absent) can, as things now stand, neither be provoked at our railing or bettered by our instruction. All communication is cut off between us. But this we know with certainty, that, though we cannot reclaim them, we may reform ourselves. If measures of peace are necessary, they must begin somewhere; and a conciliatory temper must precede and prepare every plan of reconciliation. Nor do I conceive that we suffer anything by thus regulating our own minds. We are not disarmed by being disencumbered of our passions. Declaiming on rebellion never added a bayonet or a charge of powder to your military force; but I am afraid that it has been the means of taking up many muskets against you.

This outrageous language, which has been encouraged and kept alive by every art, has already done incredible mischief. For a long time, even amidst the desolations of war, and the insults of hostile laws daily accumulated on one another, the American leaders seem to have had the greatest difficulty in bringing up their people to a declaration of total independence. But the Court Gazette accomplished what the abettors of independence had attempted in vain. . . .

I know it is said that your kindness is only alienated on account of their resistance, and therefore, if the colonies surrender at discretion, all sort of regard, and even much indulgence, is meant towards them in future. But can those who are partisans for continuing a war to enforce such a surrender be responsible (after all that has passed) for such a future use of a power that is bound by no compacts and restrained by no terror? Will they tell us what they call indulgences? Do they not at this instant call the present war and all its horrors a lenient and merciful proceeding?

No conqueror that I ever heard of has *professed* to make a cruel, harsh, and insolent use of his conquest. No! The man of the most declared pride scarcely dares to trust his own heart with this dreadful secret of ambition. But it will appear in its time; and no man who professes to reduce another to the insolent mercy of a foreign arm ever had any sort of good-will towards him. The profession of kindness, with that sword in his hand, and that

demand of surrender, is one of the most provoking acts of his hostility. . . .

### *The Dominion of Prudence over Right and Power*

I am charged with being an American. If warm affection towards those over whom I claim any share of authority be a crime, I am guilty of this charge. But I do assure you (and they who know me publicly and privately will bear witness to me) that if ever one man lived more zealous than another for the supremacy of Parliament and the rights of this imperial crown, it was myself. Many others, indeed, might be more knowing in the extent of the foundation of these rights. I do not pretend to be an antiquary, a lawyer, or qualified for the chair of professor in metaphysics. I never ventured to put your solid interests upon speculative grounds. My having constantly declined to do so has been attributed to my incapacity for such disquisitions; and I am inclined to believe it is partly the cause. I never shall be ashamed to confess that where I am ignorant, I am diffident. I am, indeed, not very solicitous to clear myself of this imputed incapacity; because men even less conversant than I am in this kind of subtleties, and placed in stations to which I ought not to aspire, have, by the mere force of civil discretion, often conducted the affairs of great nations with distinguished felicity and glory.

When I first came into a public trust, I found your Parliament in possession of an unlimited legislative power over the colonies. I could not open the statute-book without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate or to his established government. Indeed, common sense taught me that a legislative authority not actually limited by the express terms of its foundation, or by its own subsequent acts, cannot have its powers parcelled out by argumentative distinctions, so as to enable us to say that here they can and there they cannot bind. . . .

I had, indeed, very earnest wishes to keep the whole body of this authority perfect and entire as I found it — and to keep it so, not for our advantage solely, but principally for the sake of those on whose account all just authority exists: I mean the people to be governed. For I thought I saw that many cases might well happen in which the exercise of every power comprehended in the broadest idea of legislature might become, in its time and circumstances, not a little expedient for the peace and union of the

colonies amongst themselves, as well as for their perfect harmony with Great Britain. . . I was at the same time very sure that the authority of which I was so jealous could not, under the actual circumstances of our plantations, be at all preserved in any of its members but by the greatest reserve in its application, particularly in those delicate points in which the feelings of mankind are the most irritable. They who thought otherwise have found a few more difficulties in their work than (I hope) they were thoroughly aware of when they undertook the present business I must beg leave to observe that it is not only the invidious branch of taxation that will be resisted, but that no other given part of legislative rights can be exercised without regard to the general opinion of those who are to be governed. That general opinion is the vehicle and organ of legislative omnipotence. Without this it may be a theory to entertain the mind, but it is nothing in the direction of affairs. The completeness of the legislative authority of Parliament *over this kingdom* is not questioned, and yet many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, yet being *contrary to the opinions and feelings of the people*, can as little be exercised as if Parliament in that case had been possessed of no right at all I see no abstract reason which can be given why the same power which made and repealed the High Commission Court and the Star Chamber might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice But the madness would be as unquestionable as the competence of that Parliament which should attempt such things. If anything can be supposed out of the power of human legislature, it is religion; I admit, however, that the established religion of this country has been three or four times altered by act of Parliament, and therefore that a statute binds even in that case. But we may very safely affirm that, notwithstanding this apparent omnipotence, it would be now found as impossible for King and Parliament to alter the established religion of this country as it was to King James alone, when he attempted to make such an alteration without a Parliament In effect, to follow, not to force, the public inclination; to give a direction, a form, a technical dress, and a specific sanction to the general sense of the community is the true end of legislature.

It is so with regard to the exercise of all the powers which our constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The king's negative to bills is one of the most indisputed of the royal preroga-

tives; and it extends to all cases whatsoever. I am far from certain that if several laws which I know had fallen under the stroke of that sceptre, that the public would have had a very heavy loss. But it is not the *propriety* of the exercise which is in question. The exercise itself is wisely forborne. Its repose may be the preservation of its existence; and its existence may be the means of saving the constitution itself, on an occasion worthy of bringing it forth. . . .

As the disputants whose accurate and logical reasonings have brought us into our present condition think it absurd that powers or members of any constitution should exist rarely, if ever, to be exercised, I hope I shall be excused in mentioning another instance that is material. We know that the Convocation of the Clergy had formerly been called, and sat with nearly as much regularity to business as Parliament itself. It is now called for form only. It sits for the purpose of making some polite ecclesiastical compliments to the king, and, when that grace is said, retires and is heard of no more. It is, however, a *part of the constitution*, and may be called out into act and energy whenever there is occasion, and whenever those who conjure up that spirit will choose to abide the consequences. It is wise to permit its legal existence: it is much wiser to continue it a legal existence only. So truly has prudence (constituted as the god of this lower world) the entire dominion over every exercise of power committed into its hands! And yet I have lived to see prudence and conformity to circumstances wholly set at nought in our late controversies, and treated as if they were the most contemptible and irrational of all things. I have heard it a hundred times very gravely alleged that, in order to keep power in wind, it was necessary, by preference, to exert it in those very points in which it was most likely to be resisted and the least likely to be productive of any advantage.

These were the considerations, Gentlemen, which led me early to think that, in the comprehensive dominion which the Divine Providence had put into our hands, instead of troubling our understandings with speculations concerning the unity of empire and the identity or distinction of legislative powers, and inflaming our passions with the heat and pride of controversy, it was our duty, in all soberness, to conform our government to the character and circumstances of the several people who composed this mighty and strangely diversified mass. I never was wild enough to conceive that one method would serve for the whole, that the natives of Hindostan and those of Virginia could be ordered in

the same manner, or that the Cutchery court<sup>32</sup> and the grand jury of Salem could be regulated on a similar plan I was persuaded that government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle, and it would have been a poor compensation that we had triumphed in a dispute whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this "that the disposition of the people of America is wholly averse to any other than a free government"; and this is indication enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer that, for any practical purpose, it is what the people think so — and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavor to prove from thence that they have reasoned amiss, and that, having gone so far, by analogy they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we should have concluded them far gone in madness. It is melancholy, as well as ridiculous, to observe the kind of reasoning with which the public has been amused, in order to divert our minds from the common sense of our American policy. There are people who have split and anatomized the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity, and not a matter of moral prudence and natural feeling. They have disputed whether liberty be a positive or a negative idea; whether it does not consist in being governed by laws, without considering what are the laws, or who are the makers; whether man has any rights by nature, and whether all the property he enjoys be not the alms of his government, and his life itself their favor and indulgence. Others, corrupting religion as these have perverted philosophy, contend that Christians are redeemed into captivity, and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes provoking to extremes of another kind, speculations are let loose as destructive to all authority as the former are to all freedom; and every government is called tyranny and usurpation which is not formed on their

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<sup>32</sup> An Anglo-Indian court

fancies. In this manner the stirrers-up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings: they are endeavoring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

### *Liberty Is Not an Abstract Speculation*

Civil freedom, Gentlemen, is not, as many have endeavored to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation; and all the just reasoning that can be upon it is of so coarse a texture as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in geometry and metaphysics which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community. The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains nowhere, nor ought to obtain anywhere; because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist: for liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigor as there is liberty in it. But whether liberty be advantageous or not (for I know it is a fashion to decry the very principle), none will dispute that peace is a blessing; and peace must, in the course of human affairs, be frequently bought by some indulgence and toleration at least to liberty; for as the Sabbath (though of divine institution) was made for man, not man for the Sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigencies of the time, and the temper and character of the people with whom it is concerned, and not always to attempt violently to bend the people to their theories of sub-



jection. The bulk of mankind, on their part, are not excessively curious concerning any theories whilst they are really happy; and one sure symptom of an ill-conducted state is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently distempered, the people must have some satisfaction to their feelings more solid than a sophistical speculation on law and government. Such was our situation and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfaction ought to be I wish it had been the disposition of Parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

### *An "Infinitely Diversified Empire"*

I am, and ever have been, deeply sensible of the difficulty of reconciling the strong presiding power that is so useful towards the conservation of a vast, disconnected, infinitely diversified empire with that liberty and safety of the provinces which they must enjoy (in opinion and practice at least) or they will not be provinces at all. I know, and have long felt, the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves, as their birthright, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers (which, however, to make peace, must some way or other be reconciled) are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels by declaring roundly in favor of the whole demands of either party have mistaken, in my humble opinion, the office of a mediator.

The war is now of full two years' standing; the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects. The colonies were from the

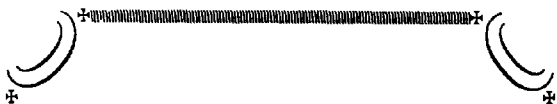
beginning subject to the legislature of Great Britain on principles which they never examined; and we permitted to them many local privileges without asking how they agreed with that legislative authority. Modes of administration were formed in an insensible and very unsystematic manner. But they gradually adapted themselves to the varying condition of things. What was first a single kingdom stretched into an empire, and an imperial superintendency, of some kind or other, became necessary. Parliament, from a mere representative of the people, and a guardian of popular privileges for its own immediate constituents, grew into a mighty sovereign. Instead of being a control on the crown on its own behalf, it communicated a sort of strength to the royal authority, which was wanted for the conservation of a new object, but which could not be safely trusted to the crown alone. On the other hand, the colonies, advancing by equal steps, and governed by the same necessity, had formed within themselves, either by royal instruction or royal charter, assemblies so exceedingly resembling a parliament, in all their forms, functions, and powers, that it was impossible they should not imbibe some opinion of a similar authority.

At the first designation of these assemblies, they were probably not intended for anything more (nor perhaps did they think themselves much higher) than the municipal corporations within this island, to which some at present love to compare them. But nothing in progression can rest on its original plan. We may as well think of rocking a grown man in the cradle of an infant. Therefore, as the colonies prospered and increased to a numerous and mighty people, spreading over a very great tract of the globe, it was natural that they should attribute to assemblies so respectable in their formal constitution some part of the dignity of the great nations which they represented. No longer tied to by-laws, these assemblies made acts of all sorts and in all cases whatsoever. They levied money, not for parochial purposes, but upon regular grants to the crown, following all the rules and principles of a parliament, to which they approached every day more and more nearly. Those who think themselves wiser than Providence and stronger than the course of nature may complain of all this variation, on the one side or the other, as their several humors and prejudices may lead them. But things could not be otherwise; and English colonies must be had on these terms, or not had at all. In the meantime neither party felt any inconvenience from this double legislature, to which they had been formed by imperceptible habits, and old custom, the great support of all the gov-

ernments in the world. Though these two legislatures were sometimes found perhaps performing the very same functions, they did not very grossly or systematically clash. In all likelihood this arose from mere neglect, possibly from the natural operation of things, which, left to themselves, generally fall into their proper order. But whatever was the cause, it is certain that a regular revenue, by the authority of Parliament, for the support of civil and military establishments, seems not to have been thought of until the colonies were too proud to submit, too strong to be forced, too enlightened not to see all the consequences which must arise from such a system.

If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident that discussions must arise which would let loose all the elements that composed this double constitution, would show how much each of their members had departed from its original principles, and would discover contradictions in each legislature, as well to its own first principles as to its relation to the other, very difficult, if not absolutely impossible, to be reconciled.

Therefore, at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to the immediate causes of the dispute, and to quiet a discussion, not easily settled upon clear principles, and arising from claims which pride would permit neither party to abandon, by resorting as nearly as possible to the old, successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to *both sides*. Man is a creature of habit, and, the first breach being of very short continuance, the colonies fell back exactly into their ancient state. The Congress has used an expression with regard to this pacification which appears to me truly significant. After the repeal of the Stamp Act, "the colonies fell," says this assembly, "into their ancient state of *unsuspecting confidence in the mother country*." This unsuspecting confidence is the true center of gravity amongst mankind, about which all the parts are at rest. It is this *unsuspecting confidence* that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all ancient puzzled political establishments. Happy are the rulers which have the secret of preserving it!



### III

## Bristol, Ireland, and Commercial Freedom

### *1. The Representative and His Constituents*

¶ THE eighteenth-century House of Commons was composed to a great extent of men who were essentially the political clients of wealthy landlords and peers of the realm. Many constituencies were so completely owned or dominated by a single proprietor that he could dispose of their parliamentary seats by virtual appointment or sale, even though forms of election were observed. Burke entered the House of Commons as a member for the borough of Wendover in Buckinghamshire, and he owed his seat to the influence that his relative William Burke possessed with Lord Verney, an Irish peer who had large property in Buckinghamshire and represented that county in Parliament. Lord Verney "owned" Wendover. In the 1768 election Burke was returned again from this borough, but when the King dissolved Parliament in 1774, Lord Verney's financial circumstances induced him to put four seats that he "owned" at the disposal of men who could pay handsomely for them. One of these seats had been Burke's, and he could not afford to keep it. Lord Rockingham, his political chieftain, offered to exert his influence on Burke's behalf for a seat from Malton, a Rockingham "family borough" in Yorkshire. But hardly had Burke been chosen there than an invitation came to stand for election from the city of Bristol.

In wealth and commerce this "capital of western England" was then the second city of the kingdom. Here was no "pocket borough." To be elected from Bristol was a distinction certain to augment Burke's political stature, independence, and prestige in Parliament. The merchants of the city, who dominated it politically, were much injured by the loss of trade attendant on the crisis in America. They saw their man in Burke, and he eagerly accepted the opportunity to become their representative.

On arriving at Bristol for the poll he told his prospective constituents that he desired to maintain the integrity of the British Empire by reconciling "British superiority with American liberty," and he coupled this purpose with the interests of British commercial prosperity.<sup>1</sup>

On the conclusion of the poll, which sent Burke to Parliament as a member for Bristol for the next six years, he addressed his constituents in a speech that contained a classic utterance on the nature and limits of a representative's obligations to his constituency. He explicitly repudiated what was then a leading doctrine of that English democratic radicalism which had sprung into existence as an organized political movement during the agitations and riots attending the Middlesex elections.<sup>2</sup> The doctrine was that a member of Parliament should be a delegate rather than a representative for his constituents, that he should regulate his parliamentary votes according to the wishes of the electors who chose him rather than according to his own independent judgment. The practice of sending instructions to members of Parliament from popular constituencies such as Bristol had become fairly common. That it almost passed away within a few years appears to have been due mainly to Burke's influence and the general adoption of his views by the Whig party. In the election speech on November 3, 1774, he said:<sup>3</sup> ¶

. . . I owe myself, in all things, to *all* the freemen of this city. My particular friends have a demand on me that I should not deceive their expectations. Never was cause or man supported with more constancy, more activity, more spirit. I have been supported with a zeal, indeed, and heartiness in my friends, which (if their object had been at all proportioned to their endeavors) could never be sufficiently commended. They supported me upon the most liberal principles. They wished that the members for Bristol should be chosen for the city, and for their country at large, and not for themselves.

So far they are not disappointed. If I possess nothing else, I am sure I possess the temper that is fit for your service. . . .

I shall ever retain, what I now feel, the most perfect and grateful attachment to my friends — and I have no enmities, no resentments. I never can consider fidelity to engagements and constancy in friendships but with the highest approbation, even when those

<sup>1</sup> Speech of October 13, 1774, *Works*, II, 85-8.

<sup>2</sup> See above, pp. 30-2.

<sup>3</sup> *Works*, II, 89-98.

noble qualities are employed against my own pretensions. The gentleman who is not so fortunate as I have been in this contest enjoys, in this respect, a consolation full of honor both to himself and to his friends. They have certainly left nothing undone for his service . . .

I am sorry I cannot conclude without saying a word on a topic touched upon by my worthy colleague<sup>4</sup>. I wish that topic had been passed by at a time when I have so little leisure to discuss it. But since he has thought proper to throw it out, I owe you a clear explanation of my poor sentiments on that subject.

He tells you that "the topic of instructions has occasioned much altercation and uneasiness in this city"; and he expresses himself (if I understand him rightly) in favor of the coercive authority of such instructions.

Certainly, Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect, their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs—and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure—no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says his will ought to be subservient to yours. If that be all, the thing is innocent. If government were a matter of will upon any side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination, and what sort of reason is that in which the determination precedes the discussion, in which one set of men deliberate and another decide, and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

To deliver an opinion is the right of all men; that of constituents is a weighty and respectable opinion, which a represent-

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<sup>4</sup> Henry Cruger, also elected for Bristol

ative ought always to rejoice to hear, and which he ought always most seriously to consider. But *authoritative* instructions, *mandates* issued, which a member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience; these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Parliament is not a *congress* of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole — where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of *Parliament*. If the local constituent should have an interest or should form a hasty opinion evidently opposite to the real good of the rest of the community, the member for that place ought to be as far as any other from any endeavor to give it effect. . . . Your faithful friend, your devoted servant, I shall be to the end of my life; a flatterer you do not wish for. . . .

From the first hour I was encouraged to court your favor, to this happy day of obtaining it, I have never promised you anything but humble and persevering endeavors to do my duty. The weight of that duty, I confess, makes me tremble; and whoever well considers what it is, of all things in the world, will fly from what has the least likeness to a positive and precipitate engagement. To be a good member of Parliament is, let me tell you, no easy task — especially at this time, when there is so strong a disposition to run into the perilous extremes of servile compliance or wild popularity. To unite circumspection with vigor is absolutely necessary, but it is extremely difficult. We are now members for a rich commercial *city*; this city, however, is but a part of a rich commercial *nation*, the interests of which are various, multiform, and intricate. We are members for that great nation, which, however, is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the East and of the West. All these wide-spread interests must be considered — must be compared — must be reconciled, if possible. We are members for a *free* country; and surely we all know that the machine of a free constitution is no simple thing, but as intricate and as delicate as it is valuable. We are members in a

great and ancient *monarchy*; and we must preserve religiously the true, legal rights of the sovereign, which form the keystone that binds together the noble and well constructed arch of our empire and our constitution. A constitution made up of balanced powers must ever be a critical thing. As such I mean to touch that part of it which comes within my reach. . . .

## 2. *The Duties of Constituents*

¶ Three years after his election from Bristol, it was evident to Burke that his hold on his constituency was weakening. The same purblind political forces that had reduced the Rockingham Whigs to an impotent and unpopular minority in Parliament were growing stronger in Bristol. Burke believed the condition was due in large measure to the failure of electors to inform themselves of public business and give adequate support to their representatives. He so expressed himself in a letter to a Bristol organization known as the Bell Club (October 13, 1777):<sup>6</sup> ¶

. . . The fourth of November can never return without giving me a pleasing sense of the high honor I received on that day. It renews in my memory the obligations which I have to so many worthy friends; and what is better, it revives and refreshes in my mind those principles to which I originally was indebted for their favor. I wish that on all sides we may never forget them. A season somewhat cloudy may try our patience and perseverance for a time, but I trust that a time will come when we may act with a little more success, because with a little more assistance from several of our countrymen; from whom, by mistakes and misconceptions of our meaning, we have been divided; and when a bitter experience has taught to several those lessons of prudence and moderation which they would not submit to learn from reason and foresight.

But whether the disposition of the conductors or abettors of the present measures shall alter or not, I trust that you will always find *me* upon the same ground; a well-wisher to the peace of my country, and a steady friend to the liberties of all parts of it, according to the best notions which so limited a capacity as mine is capable of forming on this great subject. I will continue, to the best of my judgment, to act as I have done; and I have no doubt that I shall meet my friends in Parliament, animated with their ancient sentiments, and ready to take such a part of vigilant ob-

<sup>6</sup> *Correspondence of Edmund Burke*, edited by Earl Fitzwilliam and Sir Richard Bourke (London, 1844), II, 192-7.



servation, or vigorous action, as the time and circumstances shall require from honest experienced men, who govern their principles by the truth of things, and direct their conduct by their opportunities. Our task is difficult; we shall certainly do our best. But you ought not solely to rely on us; for be assured, that it is not either the members of Parliament, or the men in any other public capacity, that have made or kept a people safe and free, if they were wanting to themselves. If members are honest, they deserve, and I am sure they will want support; if they are corrupt, they merit, and I am sure they ought to have blame and reprehension. We are like other men, who all want to be moved by praise or shame; by reward and punishment. We must be encouraged by our constituents, and we must be kept in awe of them, or we never shall do our duty as we ought. Believe me, it is a great truth, that there never was, for any long time, a corrupt representative of a virtuous people; or a mean, sluggish, careless people that ever had a good government of any form. If it be true in any degree that the governors form the people, I am certain it is as true that the people in their turn impart their character to their rulers. Such as you are, sooner or later, must Parliament be. I therefore wish that you, at least, would not suffer yourselves to be amused by the style, now grown so common, of railing at the corruption of members of Parliament. This kind of general invective has no kind of effect, that I know of, but to make you think ill of that very institution which, do what you will, you must religiously preserve, or you must give over all thoughts of being a free people. An opinion of the indiscriminate corruption of the House of Commons will, at length, induce a disgust of parliaments. They are the corrupters themselves who circulate this general charge of corruption. It is they that have an interest in confounding all distinctions, and involving the whole in one general charge. They hope to corrupt private life by the example of the public; and having produced a despair, from a supposed general failure of principles, they hope that they may persuade you that since it is impossible to do any good, you may as well have your share in the profits of doing ill.

Where there are towards six hundred persons, with much temptation and common frailty, many will undoubtedly be moved from the line of duty. But I have told you before, and I am not afraid to repeat it, that there are *many more* amongst us who are free from all sorts of corruption, and of a more excellent public spirit, than could well be expected. Since there is this difference, it is the business of the constituents to distinguish what it is the policy of some to confound. When you find men that you

ought to trust, you must give them support; else it is not them that you desert, but yourselves that you betray. Nor is it at all difficult to make this distinction. The way to do it is quite plain and simple. It is to be attentive to the conduct of men, and to judge of them by their actions, and by nothing else.

It is true that many of our brethren, from their habits of life, and their not being on the actual scene of business, are not capable of forming an opinion upon every several question of law or politics, or, of course, of determining on a man's conduct with relation to such questions. But every man in the club, and every man in the same situation in the kingdom, is perfectly capable, as capable as if he were a minister of state or a chief-justice, of determining whether public men look most to their own interest or to yours; or whether they act an uniform, clear, manly part in their station; whether the main drift of their counsels, for any series of years, be wise or foolish, or whether things go well or ill in their hands.

You will, therefore, not listen to those who tell you that these matters are above you, and ought to be left entirely to those into whose hands the King has put them. The public interest is more your business than theirs; and it is from want of spirit, and not from want of ability, that you can become wholly unfit to argue or to judge upon it. For in this very thing lies the difference between freemen and those that are not free. In a free country every man thinks he has a concern in all public matters; that he has a right to form and a right to deliver an opinion upon them. They sift, examine, and discuss them. They are curious, eager, attentive, and jealous; and by making such matters the daily subjects of their thoughts and discoveries, vast numbers contract a very tolerable knowledge of them, and some a very considerable one. And this it is that fills free countries with men of ability in all stations. Whereas in other countries none but men whose office calls them to it having much care or thought about public affairs, and not daring to try the force of their opinions with one another, ability of this sort is extremely rare in any station of life. In free countries, there is often found more real public wisdom and sagacity in shops and manufactories than in the cabinets of princes in countries where none dares to have an opinion until he comes into them. Your whole importance, therefore, depends upon a constant, discreet use of your own reason; otherwise you and your country sink to nothing. If upon any particular occasion you should be roused, you will not know what to do. Your fire will be a fire in straw, fitter to waste and consume yourselves than to

warm or enliven anything else. You will be only a giddy mob, upon whom no sort of reliance is to be had. You may disturb your country, but you never can reform your government. . . .

### *3. British Mercantilism and Irish Trade*

¶ Obedience to the principle Burke enunciated in his speech after the Bristol election in 1774 was to lead him to a breach with his constituents and the abandonment of the Bristol seat in 1780. A principal cause of this breach was Ireland.

For centuries Ireland had been governed by the British crown in accordance with the forms of an Irish national constitution, but since 1690 it was in reality an oppressed subject province of an English empire. The Whig Revolution which vindicated the political liberties of England had produced opposite consequences in Ireland. The decisive military events of that revolution had taken place in Ireland, where the cause of national freedom had seemed to be identified with the fortunes of James II; his defeat was followed by a ruthless suppression of Irish national freedom.

The dominant political class was composed of great landlords who were largely of English origin and lived little in Ireland but rented their estates to middlemen and spent their revenues in England. There was an Irish Parliament, exclusively Protestant, but it was subordinate to England. Irish legislative bills required a prior approval by the English Privy Council. Royal authority was exercised by a lord-lieutenant, who headed an executive administration seated at Dublin Castle. Over this administration the Irish Parliament possessed no control. It was wholly in the hands of men who served the English interest in Ireland.

Burke was an Irishman who had gone to England in 1750 and in politics and literature, at least, had become thoroughly Anglicized. But he had spent two years (1761-3) in Ireland, acting as secretary and counselor to William Gerard Hamilton, secretary to the lord-lieutenant. He had gained and kept a large acquaintance with public men in Ireland, and never lost interest in the affairs of his native country. He revisited it in 1766 and at this time the city of Dublin (where he was born) presented to him the freedom of the city "in consideration of his distinguished abilities, so frequently exerted for the advantage of this kingdom in Parliament." Many years later, writing to an Irish friend, Burke recalled his entry into the English House of Commons and said; "one of the chief pleasures in my situation, what was uppermost in my thoughts, was the hope, without injury to this country, to be somewhat useful to the place of my birth and education, which in

many respects, internal and external, I thought ill and impolitically governed."<sup>6</sup> An opportunity towards this end presented itself in 1777.

Down to that time Irish economy was completely subordinated to the exigencies of the English interest. This meant not only the predominance of landlord agrarian interests over manufactures and commerce, but severe restriction of these latter for the benefit of corresponding interests in England. Perhaps no country suffered more than Ireland from the monopolies and restrictions of mercantilist principles of political economy. All Irish manufactures and exports competitive with English business were prohibited. The once flourishing Irish woollen industry had been ruined, and Ireland was even excluded from the protective benefits of the English navigation laws.

During George III's reign discontent had been rising and the King himself unwittingly contributed to it by his efforts to break the power of the Whig oligarchy in Ireland as well as in England. The result was to augment the influence of the business and professional class, which chafed under the restrictions on Irish economy and, being largely Presbyterian, opposed the highly privileged position of the established Episcopal (Anglican) Church of Ireland. The situation became acute with the outbreak of the American war. Not only was this conflict unpopular with the Presbyterians for ideological reasons, but the war ruined the very important business of exporting linen to America. Irish nationalists found themselves called on to assist in a war that was odious to them in principle, in order to preserve a system of imperial economic regulation that bore even harder on them than on the Americans. As a result they began to seek legislative independence for the Irish Parliament. During the winter of 1777-8 it became apparent to the British government that war with France was likely, and therefore some appeasement of Irish discontent became expedient.

Proposals were made in Parliament to relieve Ireland of various restraints upon its manufactures and trade. They were strongly supported by Burke, and a small breach was made in the old restrictive system, but it was done against bitter opposition from English commercial interests that feared injury from Irish competitors. Burke would have liked to extinguish the whole system, but the North government could not yet be carried that far. According to Burke, "A good many of the trading towns, and

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<sup>6</sup> *Letter to Thomas Burgh*, January 1, 1780, Works, VI, 231-2.

manufactures of various kinds, took the alarm. Petitions crowded in upon one another, and the bar was occupied by a formidable body of council. Lord N. was staggered by this new battery. . . . In order not to lose him, we were obliged to abandon, bit by bit, the most considerable part of the original agreement. . . . I saw very well that the things we had got were of no great consideration; but they were, even in their defects, somewhat leading. I was in hopes that we might obtain gradually and by parts what we might attempt at once and in the whole without success — that one concession would lead to another — and that the people of England discovering by a progressive experience that none of the concessions actually made were followed by the consequences they had dreaded, their fears from what they were yet to yield would considerably diminish. But that to which I attached myself the most particularly was to fix *the principle* of a free trade in all the ports of these islands, as founded in justice, and beneficial to the whole, but principally to this, the seat of the supreme power. And this I labored to the utmost of my might, upon general principles, illustrated by all the commercial detail with which my little inquiries in life were able to furnish me.”<sup>7</sup> These inquiries into economic facts and principles had been anything but “little” and they had led him to the same conclusions Adam Smith had reached in the *Wealth of Nations* (1776), which was a condemnation of the principles exemplified in the restriction of Irish commerce.

Among the opponents of measures to emancipate Irish trade were influential members of Burke’s constituency in Bristol. A breach with them was opened at this time and it was to widen two years later when the whole restrictive system in Ireland was abolished. In the spring of 1778 he wrote letters to his constituents explaining and defending his position. The following was sent under the date of April 23, 1778, to Mr. Samuel Span, Master of the Society of Merchants Adventurers of Bristol:<sup>8</sup> ¶

Sir — I am honored with your letter of the 13th, in answer to mine, which accompanied the resolutions of the House relative to the trade of Ireland.

You will be so good as to present my best respects to the Society, and to assure them that it was altogether unnecessary to re-

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<sup>7</sup> Works, VI, 216-17.

<sup>8</sup> Works, II, 249-58.

mind me of the interest of the constituents I have never regarded anything else since I had a seat in Parliament. Having frequently and maturely considered that interest, and stated it to myself in almost every point of view, I am persuaded that, under the present circumstances, I cannot more effectually pursue it than by giving all the support in my power to the propositions which I lately transmitted to the Hall.<sup>9</sup>

The fault I find in the scheme is that it falls extremely short of that liberality in the commercial system which I trust will one day be adopted. If I had not considered the present resolutions merely as preparatory to better things, and as a means of showing, experimentally, that justice to others is not always folly to ourselves, I should have contented myself with receiving them in a cold and silent acquiescence. Separately considered, they are matters of no very great importance. But they aim, however imperfectly, at a right principle. I submit to the restraint to appease prejudice; I accept the enlargement, so far as it goes, as the result of reason and of sound policy.

We cannot be insensible of the calamities which have been brought upon this nation by an obstinate adherence to narrow and restrictive plans of government. I confess, I cannot prevail on myself to take them up precisely at a time when the most decisive experience has taught the rest of the world to lay them down. The propositions in question did not originate from me, or from my particular friends. But when things are so right in themselves, I hold it my duty not to inquire from what hands they come. I opposed the American measures upon the very same principle on which I support those that relate to Ireland. I was convinced that the evils which have arisen from the adoption of the former would be infinitely aggravated by the rejection of the latter.

Perhaps gentlemen are not yet fully aware of the situation of their country, and what its exigencies absolutely require. I find that we are still disposed to talk at our ease, and as if all things were to be regulated by our good pleasure. I should consider it as a fatal symptom if, in our present distressed and adverse circumstances, we should persist in the errors which are natural only to prosperity. One cannot, indeed, sufficiently lament the continuance of that spirit of delusion by which, for a long time past, we have thought fit to measure our necessities by our inclinations.

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<sup>9</sup> The legislative proposals concerning Irish trade

Moderation, prudence, and equity are far more suitable to our condition than loftiness, and confidence, and rigor. We are threatened by enemies of no small magnitude, whom, if we think fit, we may despise, as we have despised others; but they are enemies who can only cease to be truly formidable by our entertaining a due respect for their power. Our danger will not be lessened by our shutting our eyes to it; nor will our force abroad be increased by rendering ourselves feeble and divided at home.

There is a dreadful schism in the British nation. Since we are not able to reunite the empire, it is our business to give all possible vigor and soundness to those parts of it which are still content to be governed by our councils. Sir, it is proper to inform you that our measures *must be healing*. Such a degree of strength must be communicated to all the members of the state as may enable them to defend themselves, and to co-operate in the defense of the whole. Their temper, too, must be managed, and their good affections cultivated. They may then be disposed to bear the load with cheerfulness, as a contribution towards what may be called with truth and propriety, and not by an empty form of words, *a common cause*. Too little dependence cannot be had, at this time of day, on names and prejudices. The eyes of mankind are opened, and communities must be held together by an evident and solid interest. God forbid that our conduct should demonstrate to the world that Great Britain can in no instance whatsoever be brought to a sense of rational and equitable policy but by coercion and force of arms! . . .

### *"England and Ireland May Flourish Together"*

After all, what are the matters we dispute with so much warmth? Do we in these resolutions *bestow* anything upon Ireland? Not a shilling. We only consent to *leave* to them, in two or three instances, the use of the natural faculties which God has given to them, and to all mankind. Is Ireland united to the crown of Great Britain for no other purpose than that we should counteract the bounty of Providence in her favor? and in proportion as that bounty has been liberal, that we are to regard it as an evil, which is to be met with in every sort of corrective? To say that Ireland interferes with us, and therefore must be checked, is, in my opinion, a very mistaken and a very dangerous principle. I must beg leave to repeat, what I took the liberty of suggesting to you in my last letter, that Ireland is a country in the same climate and of the same natural qualities and productions with this, and

has consequently no other means of growing wealthy in herself, or, in other words, of being useful to us, but by doing the very same things which we do for the same purposes I hope that in Great Britain we shall always pursue, without exception, *every* means of prosperity, and, of course, that Ireland *will* interfere with us in something or other. for either, in order to *limit* her, we *must restrain* ourselves, or we must fall into that shocking conclusion that we are to keep our yet remaining dependency under a general and indiscriminate restraint for the mere purpose of oppression. Indeed, Sir, England and Ireland may flourish together. The world is large enough for us both. Let it be our care not to make ourselves too little for it.

I know it is said that the people of Ireland do not pay the same taxes, and therefore ought not in equity to enjoy the same benefits with this. I had hopes that the unhappy phantom of a compulsory *equal taxation* had haunted us long enough. I do assure you that until it is entirely banished from our imaginations (where alone it has, or can have, any existence) we shall never cease to do ourselves the most substantial injuries. To that argument of equal taxation I can only say that Ireland pays as many taxes as those who are the best judges of her powers are of opinion she can bear. To bear more, she must have more ability; and, in the order of nature, the advantage must *precede* the charge. This disposition of things being the law of God, neither you nor I *can* alter it. So that, if you will have more help from Ireland, you must *previously* supply her with more means. I believe it will be found that if men are suffered freely to cultivate their natural advantages, a virtual equality of contribution will come in its own time, and will flow by an easy descent through its own proper and natural channels. An attempt to disturb that course, and to force nature, will only bring on universal discontent, distress, and confusion. . . .

I am sure Sir, that the commercial experience of the merchants of Bristol will soon disabuse them of the prejudice that they can trade no longer if countries more lightly taxed are permitted to deal in the same commodities at the same markets. You know that, in fact, you trade very largely where you are met by the goods of all nations. You even pay high duties on the import of your goods, and afterwards undersell nations less taxed, at their own markets, and where goods of the same kind are not charged at all. If it were otherwise, you could trade very little. You know that the price of all sorts of manufacture is not a great deal en-



hanced (except to the domestic consumer) by any taxes paid in this country. This I might very easily prove.

The same consideration will relieve you from the apprehension you express with relation to sugars, and the difference of the duties paid here and in Ireland. Those duties affect the interior consumer only, and for obvious reasons, relative to the interest of revenue itself, they must be proportioned to his ability of payment; but in all cases in which sugar can be an *object of commerce*, and therefore (in this view) of rivalry, you are sensible that you are at least on a par with Ireland. As to your apprehensions concerning the more advantageous situation of Ireland for some branches of commerce (for it is so but for some), I trust you will not find them more serious. Milford Haven, which is at your door, may serve to show you that the mere advantage of ports is not the thing which shifts the seat of commerce from one part of the world to the other. If I thought you inclined to take up this matter on local considerations, I should state to you that I do not know any part of the kingdom so well situated for an advantageous commerce with Ireland as Bristol, and that none would be so likely to profit of its prosperity as our city. But your profit and theirs must concur. Beggary and bankruptcy are not the circumstances which invite to an intercourse with that or with any country; and I believe it will be found invariably true that the superfluities of a rich nation furnish a better object of trade than the necessities of a poor one. It is the interest of the commercial world that wealth should be found everywhere.

The true ground of fear, in my opinion, is this: that Ireland, from the vicious system of its internal polity, will be a long time before it can derive any benefit from the liberty now granted, or from anything else. But, as I do not vote advantages in hopes that they may not be enjoyed, I will not lay any stress upon this consideration. I rather wish that the Parliament of Ireland may, in its own wisdom, remove these impediments, and put their country in a condition to avail itself of its natural advantages. If they do not, the fault is with them, and not with us.

I have written this long letter in order to give all possible satisfaction to my constituents with regard to the part I have taken in this affair. It gave me inexpressible concern to find that my conduct had been a cause of uneasiness to any of them. Next to my honor and conscience, I have nothing so near and dear to me as their approbation. However, I had much rather run the risk of displeasing than of injuring them — if I am driven to make such an option. . . .

¶ Soon afterwards, on May 2, 1778, Burke again explained and defended his position on the Irish trade question, in a letter to a company of merchants in Bristol:<sup>10</sup> ¶

Gentlemen—It gives me the most sensible concern to find that my vote on the resolutions relative to the trade of Ireland has not been fortunate enough to meet with your approbation. I have explained at large the grounds of my conduct on that occasion in my letters to the Merchants' Hall; but my very sincere regard and esteem for you will not permit me to let the matter pass without an explanation which is particular to yourselves, and which I hope will prove satisfactory to you. . . .

The reason, Gentlemen, for taking this step, at this time, is but too obvious and too urgent. I cannot imagine that you forget the great war which has been carried on with so little success (and, as I thought, with so little policy) in America, or that you are not aware of the other great wars which are impending.<sup>11</sup> Ireland has been called upon to repel the attacks of enemies of no small power, brought upon her by councils in which she has had no share. The very purpose and declared object of that original war, which has brought other wars and other enemies on Ireland, was not very flattering to her dignity, her interest, or to the very principle of her liberty. Yet she submitted patiently to the evils she suffered from an attempt to subdue to *your* obedience countries whose very commerce was not open to her. America was to be conquered in order that Ireland should *not* trade thither; whilst the miserable trade which she is permitted to carry on to other places has been torn to pieces in the struggle. In this situation, are we neither to suffer her to have any real interest in our quarrel, or to be flattered with the hope of any future means of bearing the burdens which she is to incur in defending herself against enemies which we have brought upon her?

### *"Trade Is Not a Limited Thing"*

. . . It is for *you*, and for *your* interest, as a dear, cherished, and respected part of a valuable whole, that I have taken my share in this question. You do not, you cannot, suffer by it. If honesty be true policy with regard to the transient interest of individuals, it is much more certainly so with regard to the permanent interests of communities. I know that it is but too natural for

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<sup>10</sup> Works, II, 258–64.

<sup>11</sup> France announced her alliance with America in March 1778, and armed hostilities against Britain began the following June.

us to see our own *certain* ruin in the *possible* prosperity of other people. It is hard to persuade us that everything which is *got* by another is not *taken* from ourselves. But it is fit that we should get the better of these suggestions, which come from what is not the best and soundest part of our nature, and that we should form to ourselves a way of thinking more rational, more just, and more religious. Trade is not a limited thing: as if the objects of mutual demand and consumption could not stretch beyond the bounds of our jealousies. God has given the earth to the children of men, and He has undoubtedly, in giving it to them, given them what is abundantly sufficient for all their exigencies: not a scanty, but a most liberal, provision for them all. The Author of our nature has written it strongly in that nature, and has promulgated the same law in His written word, that man shall eat his bread by his labor; and I am persuaded that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say that he *shall not* do so — that they have no sort of right either to prevent the labor or to withhold the bread. Ireland having received no *compensation*, directly or indirectly, for any restraints on their trade, ought not, in justice or common honesty, to be made subject to such restraints. I do not mean to impeach the right of the Parliament of Great Britain to make laws for the trade of Ireland; I only speak of what laws it is right for Parliament to make. . . .

It is very unfortunate that we should consider those as rivals whom we ought to regard as fellow-laborers in a common cause. Ireland has never made a single step in its progress towards prosperity by which you have not had a share, and perhaps the greatest share, in the benefit. That progress has been chiefly owing to her own natural advantages, and her own efforts, which, after a long time, and by slow degrees, have prevailed in some measure over the mischievous systems which have been adopted. Far enough she is still from having arrived even at an ordinary state of perfection; and if our jealousies were to be converted into politics as systematically as some would have them, the trade of Ireland would vanish out of the system of commerce. But, believe me, if Ireland is beneficial to you, it is so not from the parts in which it is restrained, but from those in which it is left free, though not left unrivalled. The greater its freedom, the greater must be your advantage. If you should lose in one way, you will gain in twenty.

Whilst I remain under this unalterable and powerful conviction, you will not wonder at the *decided* part I take. It is my cus-

tom so to do, when I see my way clearly before me, and when I know that I am not misled by any passion or any personal interest, which in this case I am very sure I am not. I find that disagreeable things are circulated among my constituents; and I wish my sentiments, which form my justification, may be equally general with the circulation against me. . . .



## IV

### The Oppression of Catholics

#### *1. The Savile Act, the Gordon Riots, and Burke's Loss of the Bristol Seat*

¶ BURKE'S breach with his Bristol constituents was due not only to Irish trade but also to Irish religion. The son of a Catholic mother, he was a devout Anglican who respected Catholicism and championed what he believed were its legitimate rights in England as well as in Ireland.

English Catholics in the eighteenth century formed but a small minority in the kingdom, and they were virtually outlawed. Since the time of Queen Elizabeth it had been high treason for a Catholic priest to remain three days in England without taking the oath of supremacy. It was high treason to be converted to Catholicism or to effect a conversion. The Mass was forbidden, and by an act of 1699 a reward of one hundred pounds could be had by any one who discovered a priest performing his sacred functions. The priest was liable to perpetual imprisonment, and as late as 1767 a priest had been convicted at Croydon for saying Mass. He languished in prison for several years before the government released him. Under this old code Catholics could be fined for non-attendance at Protestant church services. They were forbidden to enter the legal and medical profession; they could not sit in Parliament or hold an office or commission under the crown. The nearest Protestant relative could claim the inheritance of a Catholic heir. The landed property of Catholics was subject to special tax burdens. Schools were legally closed to them and they were forbidden to act as tutors or schoolmasters. Catholics who went abroad to be educated were forbidden to inherit or purchase property, or to maintain a suit at law. The only mitigation in this proscription lay in a laxity of enforcement. An active spirit of persecution had died away, but the massive barriers of exclusion continued to stand as a fixed part of English social, civil, and political life.

In 1778, when France allied herself with the American colo-

nies, Parliament deemed it prudent to alleviate the miserable lot of Catholics. At this time they came, as it were, out of hiding, professed loyalty to the country, and asked removal of their most grievous disabilities. The result was the passage through Parliament, without a division, of an act introduced by Sir George Savile, one of Burke's political friends. It eased the purchase and inheritance of land by Catholics and freed priests from the liability to imprisonment merely for saying Mass. This was the first breach in the oppressive anti-Catholic penal laws. It applied only to England, but the Irish Parliament quickly followed the example, and the crown proposed to bring in a similar bill for Scotland at the next parliamentary session.

The Savile Act aroused a spirit of "anti-popery" in various quarters, and this became mixed explosively with other causes of public distemper. The war was going badly for England and in 1779 Spain joined the alliance against her. During the 1779-80 parliamentary session Lord North's government appeased Ireland's threats and grievances still further by abolishing the remaining special restrictions on her trade, the result was to increase the indignation of English commercial interests. Parliamentary support of government weakened, and the ministers themselves became divided in views on war policy and strategy. The Whig opposition took advantage of all ministerial embarrassments and endeavored to exploit all popular discontents. Proposals, supported by agitation "outdoors," were brought forward in Parliament to reform the whole electoral and representative system in order to destroy the influence of the court in the House of Commons. On April 6, 1780 a resolution was carried by the opposition, declaring that "the influence of the crown has increased, is increasing, and ought to be diminished." George III's system was in a state of grave crisis, and as the condition grew more tense a Protestant Association headed by an eccentric member of Parliament—Lord George Gordon—was gathering names to a petition for repeal of the Savile Act.

Nearly 120,000 signatures were obtained, and on June 2, 1780 a mob of about half that number, led by Gordon, marched on Westminster. They invaded the halls of Parliament, sought to intimidate the members, and singled out Burke as a special target of their animosity; for he had had an important part in drafting the act and now took the lead in opposing the petition for its repeal. The invasion of Parliament was but the beginning of an immense disorder. For a week London was the scene of plunder, arson, and murder. Royal troops were required to quell the rioters, who

caused the destruction by fire of almost a hundred buildings, including chapels and prisons, and the death of nearly three hundred persons — not including the twenty-one whom the authorities executed after the restoration of order.

The Gordon riots and the King's strong and prominent part in suppressing them seemed momentarily to improve the position of the government and hence to discredit opposition appeals to popular forces outside the House of Commons. Not long afterwards, therefore, King George dissolved Parliament and issued writs for new elections. Burke went to Bristol to face anti-Irish and anti-Catholic constituents. After addressing them he reached the conclusion it would be wasted effort to stand for re-election. In his address (September 6, 1780) he set forth and defended his views on the Catholic question:<sup>1</sup> ¶

. . . Gentlemen, I ought to apologize to you for seeming to think anything at all necessary to be said upon this matter. The calumny is fitter to be scrawled with the midnight chalk of incendiaries, with "No Popery," on walls and doors of devoted houses, than to be mentioned in any civilized company. I had heard that the spirit of discontent on that subject was very prevalent here. With pleasure I find that I have been grossly misinformed. . . . I find with satisfaction and pride that not above four or five in this city (and I dare say these misled by some gross misrepresentation) have signed that symbol of delusion and bond of sedition, that libel on the national religion and English character, the Protestant Association. It is, therefore, Gentlemen, not by way of cure, but of prevention, and lest the arts of wicked men may prevail over the integrity of anyone amongst us, that I think it necessary to open to you the merits of this transaction pretty much at large; and I beg your patience upon it; for although the reasonings that have been used to depreciate the act are of little force, and though the authority of the men concerned in this ill design is not very imposing, yet the audaciousness of these conspirators against the national honor, and the extensive wickedness of their attempts, have raised persons of little importance to a degree of evil eminence, and imparted a sort of sinister dignity to proceedings that had their origin in only the meanest and blindest malice. . . .

Gentlemen, the condition of our nature is such that we buy our blessings at a price. The Reformation, one of the greatest periods

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<sup>1</sup> Works, II, 388-423

of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny which had been for ages in rearing, and which was combined with the interest of the great and of the many, which was molded into the laws, the manners, and civil institutions of nations, and blended with the frame and policy of states, could not be brought to the ground without a fearful struggle; nor could it fall without a violent concussion of itself and all about it. When this great revolution was attempted in a more regular mode by government, it was opposed by plots and seditions of the people; when by popular efforts, it was repressed as rebellion by the hand of power; and bloody executions (often bloodily returned) marked the whole of its progress through all its stages. The affairs of religion, which are no longer heard of in the tumult of our present contentions, made a principal ingredient in the wars and politics of that time; the enthusiasm of religion threw a gloom over the politics; and political interests poisoned and perverted the spirit of religion upon all sides. The Protestant religion, in that violent struggle, infected, as the Popish had been before, by worldly interests and worldly passions, became a persecutor in its turn, sometimes of the new sects, which carried their own principles further than it was convenient to the original reformers, and always of the body from whom they parted; and this persecuting spirit arose, not only from the bitterness of retaliation, but from the merciless policy of fear.

It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this be done, the Reformation is not complete; and those who think themselves good Protestants, from their animosity to others, are in that respect no Protestants at all. It was at first thought necessary, perhaps, to oppose to Popery another Popery, to get the better of it. Whatever was the cause, laws were made in many countries, and in this kingdom in particular, against Papists, which are as bloody as any of those which had been enacted by the Popish princes and states; and where those laws were not bloody, in my opinion, they were worse; as they were slow, cruel outrages on our nature, and kept men alive only to insult in their persons every one of the rights and feelings of humanity. I pass those statutes, because I would spare your pious ears the repetition of such shocking things; and I come to that particular law the repeal of which has produced so many unnatural and unexpected consequences.



### *The 1699 Statute Prohibiting the Mass*

A statute was fabricated in the year 1699 by which the saying Mass (a church service in the Latin tongue, not exactly the same as our liturgy, but very near it, and containing no offense whatsoever against the laws, or against good morals) was forged into a crime, punishable with perpetual imprisonment. The teaching school, a useful and virtuous occupation, even the teaching in a private family, was in every Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what nature refused, to inform and prosecute on this law. Every Roman Catholic was, under the same act, to forfeit his estate to his nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy what the law had transferred to the kinsman as the recompense of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other by any industry, donation, or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him from those who had been the old inhabitants of that land before him.

Does anyone who hears me approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say it, and I am ready to discuss the point with temper and candor. But instead of approving, I perceive a virtuous indignation beginning to rise in your minds on the mere cold stating of the statute.

But what will you feel when you know from history how this statute passed, and what were the motives, and what the mode of making it? A party in this nation, enemies to the system of the Revolution, were in opposition to the government of King William. They knew that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and Popery, out of a country where a third of the people are contented Catholics under a Protestant government. He came with a part of his army composed of those very Catholics, to overset the power of a Popish prince. Such is the effect of a tolerating spirit; and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, everything becomes subject to it, and its very adversaries are an instrument in its hands.

The party I speak of (like some amongst us who would dis-

parage the best friends of their country) resolved to make the King either violate his principles of toleration or incur the odium of protecting Papists. They therefore brought in this bill, and made it purposely wicked and absurd that it might be rejected. The then court party, discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass what they hoped the other would be persuaded to reject, went through the legislature, contrary to the real wish of all parts of it, and of all the parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow-creatures. . . .

The effects of the act have been as mischievous as its origin was ludicrous and shameful. From that time, every person of that communion, lay and ecclesiastic, has been obliged to fly from the face of day. The clergy, concealed in garrets of private houses, or obliged to take a shelter (hardly safe to themselves, but infinitely dangerous to their country) under the privileges of foreign ministers, officiated as their servants and under their protection. The whole body of the Catholics, condemned to beggary and to ignorance in their native land, have been obliged to learn the principles of letters, at the hazard of all their other principles, from the charity of your enemies. They have been taxed to their ruin at the pleasure of necessitous and profligate relations, and according to the measure of their necessity and profligacy. Examples of this are many and affecting. . . . It is but six or seven years<sup>2</sup> since a clergyman, of the name of Malony, a man of morals, neither guilty nor accused of anything noxious to the state, was condemned to perpetual imprisonment for exercising the functions of his religion; and after lying in jail two or three years, was relieved by the mercy of government from perpetual imprisonment, on condition of perpetual banishment. A brother of the Earl of Shrewsbury, a Talbot, a name respectable in this country whilst its glory is any part of its concern, was hauled to the bar of the Old Bailey, among common felons, and only escaped the same doom either by some error in the process, or that the wretch who brought him there could not correctly describe his person — I now

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<sup>2</sup> The correct date was 1767

forget which In short, the persecution would never have relented for a moment if the judges, superseding (though with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity that it was but the other day that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation to whom she had been a friend and benefactor; and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of Parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was, and doing that duty as men of honor and virtue, as good Protestants, and as good citizens. . . .

Gentlemen, bad laws are the worst sort of tyranny. In such a country as this they are of all bad things the worst — worse by far than anywhere else, and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons you cannot trust the crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will, in the exercise of a discretionary power, discriminate times and persons, and will not ordinarily pursue any man when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend

In this situation, men not only shrink from the frowns of a stern magistrate, but they are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a

man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground an animated mass of putrefaction, corrupted himself, and corrupting all about him.

### *The Catholic Question and the American War*

The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into Parliament. I find it has been industriously given out in this city (from kindness to me, unquestionably) that I was the mover or the seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact lest I should seem to arrogate to myself the merits which belong to others. . . . That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

. . . I will next lay before you . . . the political grounds and reasons for the repeal of that penal statute, and the motives to its repeal at that particular time.

Gentlemen, America—When the English nation seemed to be dangerously, if not irrecoverably divided—when one, and that the most growing branch, was torn from the parent stock, and ingrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw ourselves threatened with an immediate invasion, which we were at that time very ill prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places into which the indiscriminate rigor of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne, with one of the most sober, measured, steady, and dutiful addresses that was ever presented to the crown. It was no holiday ceremony, no anniversary compliment of parade and show. It was signed by almost every gentleman of that persuasion, of note or property, in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address, the direct tendency of which was to cut off all retreat, and to render them peculiarly obnoxious to an invader of their own communion. The address showed what I long languished to see, that all the subjects of

England had cast off all foreign views and connections, and that every man looked for his relief from every grievance at the hands only of his own natural government.

It was necessary, on our part, that the natural government should show itself worthy of that name. It was necessary, at the crisis I speak of, that the supreme power of the state should meet the conciliatory dispositions of the subject. To delay protection would be to reject allegiance. And why should it be rejected, or even coldly and suspiciously received? If any independent Catholic state should choose to take part with this kingdom in a war with France and Spain, that bigot (if such a bigot could be found) would be heard with little respect who could dream of objecting his religion to an ally whom the nation would not only receive with its freest thanks, but purchase with the last remains of its exhausted treasure. To such an ally we should not dare to whisper a single syllable of those base and invidious topics upon which some unhappy men would persuade the state to reject the duty and allegiance of its own members. Is it, then, because foreigners are in a condition to set our malice at defiance, that with *them* we are willing to contract engagements of friendship, and to keep them with fidelity and honor, but that, because we conceive some descriptions of our countrymen are not powerful enough to punish our malignity, we will not permit them to support our common interest? . . .

What shadow of reason could be assigned why, at a time when the most Protestant part of this Protestant empire found it for its advantage to unite with the two principal Popish states, to unite itself in the closest bonds with France and Spain, for our destruction, that we should refuse to unite with our own Catholic countrymen for our own preservation? Ought we, like madmen, to tear off the plasters that the lenient hand of prudence had spread over the wounds and gashes which in our delirium of ambition we had given to our own body? . . . For one, I was delighted with the proposal of internal peace. I accepted the blessing with thankfulness and transport. I was truly happy to find *one* good effect of our civil distractions that they had put an end to all religious strife and heart-burning in our own bowels. . . .

Important effects followed this act of wisdom. They appeared at home and abroad, to the great benefit of this kingdom, and, let me hope, to the advantage of mankind at large. It betokened union among ourselves. It showed soundness, even on the part of the persecuted, which generally is the weak side of every community. But its most essential operation was not in England. The

act was immediately, though very imperfectly, copied in Ireland,<sup>3</sup> and this imperfect transcript of an imperfect act, this first faint sketch of toleration, which did little more than disclose a principle and mark out a disposition, completed in a most wonderful manner the reunion to the state of all the Catholics of that country. It made us what we ought always to have been, one family, one body, one heart and soul, against the family combination and all other combinations of our enemies. . . .

Men of another sort, I mean the bigoted enemies to liberty, may, perhaps, in their politics, make no account of the good or ill affection of the Catholics of England, who are but a handful of people (enough to torment, but not enough to fear), perhaps not so many, of both sexes and of all ages, as fifty thousand. But, Gentlemen, it is possible you may not know that the people of that persuasion in Ireland amount at least to sixteen or seventeen hundred thousand souls. I do not at all exaggerate the number. A *nation* to be persecuted! Whilst we were masters of the sea, embodied with America, and in alliance with half the powers of the Continent, we might, perhaps, in that remote corner of Europe, afford to tyrannize with impunity. But there is a revolution in our affairs, which makes it prudent to be just. In our late awkward contest with Ireland about trade,<sup>4</sup> had religion been thrown in, to ferment and embitter the mass of discontents, the consequences might have been truly dreadful. . . .

Even in England, where I admit the danger from the discontent of that persuasion to be less than in Ireland, yet even here, had we listened to the counsels of fanaticism and folly, we might have wounded ourselves very deeply, and wounded ourselves in a very tender part. You are apprised that the Catholics of England consist mostly of our best manufacturers.<sup>5</sup> Had the legislature chosen, instead of returning their declarations of duty with correspondent good-will, to drive them to despair, there is a country at their very door to which they would be invited—a country in all respects as good as ours, and with the finest cities in the world ready built to receive them. And thus the bigotry of a free country, and in an enlightened age, would have repeopled the cities of Flanders, which, in the darkness of two hundred years ago, had been desolated by the superstition of a cruel tyrant. Our manufactures were the growth of the persecutions in the Low Countries. What a spectacle would it be to Europe to see us

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<sup>3</sup> See below, pp. 163–4.

<sup>4</sup> Repeal of restrictions on Irish trade, 1779–80.

<sup>5</sup> Craftsmen, not industrialists in the modern sense.

at this time of day balancing the account of tyranny with those very countries, and by our persecutions driving back trade and manufacture, as a sort of vagabonds, to their original settlement! But I trust we shall be saved this last of disgraces.

So far as to the effect of the act on the interests of this nation. With regard to the interests of mankind at large, I am sure the benefit was very considerable. Long before this act, indeed, the spirit of toleration began to gain ground in Europe. In Holland the third part of the people are Catholics; they live at ease, and are a sound part of the state. In many parts of Germany, Protestants and Papists partake the same cities, the same councils, and even the same churches. . . . Even the Lutheran obstinacy of Sweden has thawed at length, and opened a toleration to all religions. I know, myself, that in France the Protestants begin to be at rest. . . . Tarnished as the glory of this nation is, and far as it has waded into the shades of an eclipse, some beams of its former illumination still play upon its surface; and what is done in England is still looked to, as argument, and as example. It is certainly true that no law of this country ever met with such universal applause abroad, or was so likely to produce the perfection of that tolerating spirit which, as I observed, has been long gaining ground in Europe; for abroad it was universally thought that we had done what I am sorry to say we had not; they thought we had granted a full toleration. That opinion was, however, so far from hurting the Protestant cause that I declare, with the most serious solemnity, my firm belief that no one thing done for these fifty years past was so likely to prove deeply beneficial to our religion at large as Sir George Savile's act. . . .

### *The Gordon Riots against Popery*

I do not wish to go over the horrid scene that was afterwards acted. Would to God it could be expunged forever from the annals of this country! But since it must subsist for our shame, let it subsist for our instruction. In the year 1780 there were found in this nation men deluded enough (for I give the whole to their delusion) on pretenses of zeal and piety, without any sort of provocation whatsoever, real or pretended, to make a desperate attempt which would have consumed all the glory and power of this country in the flames of London, and buried all law, order, and religion under the ruins of the metropolis of the Protestant world. Whether all this mischief done, or in the direct train of doing, was in their original scheme, I cannot say; I hope it was not; but this would have been the unavoidable consequence of

their proceedings, had not the flames they had lighted up in their fury been extinguished in their blood.

All the time that this horrid scene was acting, or avenging, as well as for some time before, and ever since, the wicked instigators of this unhappy multitude, guilty, with every aggravation, of all their crimes, and screened in a cowardly darkness from their punishment, continued, without interruption, pity, or remorse, to blow up the blind rage of the populace with a continued blast of pestilential libels, which infected and poisoned the very air we breathed in.

The main drift of all the libels and all the riots was to force Parliament (to persuade us was hopeless) into an act of national perfidy which has no example. For, Gentlemen, it is proper you should all know what infamy we escaped by refusing that repeal, for a refusal of which, it seems, I, among others, stand somewhere or other accused. When we took away, on the motives which I had the honor of stating to you, a few of the innumerable penalties upon an oppressed and injured people, the relief was not absolute, but given on a stipulation and compact between them and us: for we bound down the Roman Catholics with the most solemn oaths to bear true allegiance to this government, to abjure all sort of temporal power in any other, and to renounce, under the same solemn obligations, the doctrines of systematic perfidy with which they stood (I conceive very unjustly) charged. Now our modest petitioners came up to us, most humbly praying nothing more than that we should break our faith, without any one cause whatsoever of forfeiture assigned; and when the subjects of this kingdom had, on their part, fully performed their engagement, we should refuse, on our part, the benefit we had stipulated on the performance of those very conditions that were prescribed by our own authority, and taken on the sanction of our public faith: that is to say, when we had inveigled them with fair promises within our door, we were to shut it on them, and, adding mockery to outrage, to tell them—"Now we have got you fast: your consciences are bound to a power resolved on your destruction. We have made you swear that your religion obliges you to keep your faith—fools as you are! We will now let you see that our religion enjoins us to keep no faith with you." They who would advisedly call upon us to do such things must certainly have thought us not only a convention of treacherous tyrants, but a gang of the lowest and dirtiest wretches that ever disgraced humanity. Had we done this, we should have indeed proved that there were *some* in the world



whom no faith could bind; and we should have *convicted* ourselves of that odious principle of which Papists stood *accused* by those very savages who wished us, on that accusation, to deliver them over to their fury.

In this audacious tumult, when our very name and character as gentlemen was to be canceled forever, along with the faith and honor of the nation, I, who had exerted myself very little on the quiet passing of the bill, thought it necessary then to come forward. I was not alone; but though some distinguished members on all sides, and particularly on ours, added much to their high reputation by the part they took on that day (a part which will be remembered as long as honor, spirit, and eloquence have estimation in the world), I may and will value myself so far that, yielding in abilities to many, I yielded in zeal to none. With warmth and with vigor, and animated with a just and natural indignation, I called forth every faculty that I possessed, and I directed it in every way in which I could possibly employ it. I labored night and day. I labored in Parliament; I labored out of Parliament. If, therefore, the resolution of the House of Commons, refusing to commute this act of unmatched turpitude, be a crime, I am guilty among the foremost. But, indeed, whatever the faults of that House may have been, no one member was found hardy enough to propose so infamous a thing; and on full debate we passed the resolution against the petitions with as much unanimity as we had formerly passed the law of which these petitions demanded the repeal.

There was a circumstance (justice will not suffer me to pass it over) which, if anything could enforce the reasons I have given, would fully justify the act of relief, and render a repeal, or anything like a repeal, unnatural, impossible. It was the behavior of the persecuted Roman Catholics under the acts of violence and brutal insolence which they suffered. I suppose there are not in London less than four or five thousand of that persuasion from my country, who do a great deal of the most laborious works in the metropolis; and they chiefly inhabit those quarters which were the principal theater of the fury of the bigoted multitude. They are known to be men of strong arms and quick feelings, and more remarkable for a determined resolution than clear ideas or much foresight. But, though provoked by everything that can stir the blood of men, their houses and chapels in flames, and with the most atrocious profanations of everything which they hold sacred before their eyes, not a hand was moved to retaliate, or even to defend. Had a conflict once begun, the rage of their

persecutors would have redoubled. Thus fury increasing by the reverberation of outrages, house being fired for house, and church for chapel, I am convinced that no power under heaven could have prevented a general conflagration, and at this day London would have been a tale. But I am well informed, and the thing speaks it, that their clergy exerted their whole influence to keep their people in such a state of forbearance and quiet as, when I look back, fills me with astonishment—but not with astonishment only. Their merits on that occasion ought not to be forgotten; nor will they, when Englishmen come to recollect themselves. I am sure it were far more proper to have called them forth, and given them the thanks of both Houses of Parliament, than to have suffered those worthy clergymen and excellent citizens to be hunted into holes and corners, whilst we are making low-minded inquisitions into the number of their people; as if a tolerating principle was never to prevail, unless we were very sure that only a few could possibly take advantage of it. But, indeed, we are not yet well recovered of our fright. Our reason, I trust, will return with our security, and this unfortunate temper will pass over like a cloud.

Gentlemen, I have now laid before you a few of the reasons for taking away the penalties of the act of 1699, and for refusing to establish them on the riotous requisition of 1780. Because I would not suffer anything which may be for your satisfaction to escape, permit me just to touch on the objections urged against our act and our resolves, and intended as a justification of the violence offered to both Houses. "Parliament," they assert, "was too hasty, and they ought, in so essential and alarming a change, to have proceeded with a far greater degree of deliberation." The direct contrary. Parliament was too slow. They took fourscore years to deliberate on the repeal of an act which ought not to have survived a second session. . . .

### *"This Lust of Party Power"*

But they tell us that those our fellow-citizens whose chains we have a little relaxed are enemies to liberty and our free constitution—not enemies, I presume, to their *own* liberty. And as to the constitution, until we give them some share in it, I do not know on what pretence we can examine into their opinions about a business in which they have no interest or concern. But, after all, are we equally sure that they are adverse to our constitution as that our statutes are hostile and destructive to them? For my part, I have reason to believe their opinions and inclinations in

that respect are various, exactly like those of other men; and if they lean more to the crown than I and than many of you think *we* ought, we must remember that he who aims at another's life is not to be surprised if he flies into any sanctuary that will receive him. The tenderness of the executive power is the natural asylum of those upon whom the laws have declared war; and to complain that men are inclined to favor the means of their own safety is so absurd that one forgets the injustice in the ridicule.

I must fairly tell you that so far as my principles are concerned (principles that I hope will only depart with my last breath), that I have no idea of a liberty unconnected with honesty and justice. Nor do I believe that any good constitutions of government, or of freedom, can find it necessary for their security to doom any part of the people to a permanent slavery. Such a constitution of freedom, if such can be, is in effect no more than another name for the tyranny of the strongest faction; and factions in republics have been, and are, full as capable as monarchs of the most cruel oppression and injustice. It is but too true that the love, and even the very idea, of genuine liberty is extremely rare. It is but too true that there are many whose whole scheme of freedom is made up of pride, perverseness, and insolence. They feel themselves in a state of thralldom, they imagine that their souls are cooped and cabined in, unless they have some man or some body of men dependent on their mercy. . . . This disposition is the true source of the passion which many men in very humble life have taken to the American war. *Our* subjects in America; *our* colonies; *our* dependants. This lust of party power is the liberty they hunger and thirst for; and this siren song of ambition has charmed ears that one would have thought were never organized to that sort of music.

This way of *proscribing the citizens by denominations and general descriptions*, dignified by the name of reason of state, and security for constitutions and commonwealths, is nothing better at bottom than the miserable invention of an ungenerous ambition which would fain hold the sacred trust of power without any of the virtues or any of the energies that give a title to it—a receipt of policy, made up of a detestable compound of malice, cowardice, and sloth. They would govern men against their will; but in that government they would be discharged from the exercise of vigilance, providence, and fortitude; and therefore, that they may sleep on their watch, they consent to take some one division of the society into partnership of the tyranny over the rest. But let government, in what form it may be, comprehend

the whole in its justice, and restrain the suspicious by its vigilance; let it keep watch and ward; let it discover by its sagacity, and punish by its firmness, all delinquency against its power, whenever delinquency exists in the overt acts—and then it will be as safe as ever God and nature intended it should be. Crimes are the acts of individuals, and not of denominations; and therefore arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, of which perhaps but a part, perhaps none at all, are guilty, is indeed a compendious method, and saves a world of trouble about proof. But such a method, instead of being law, is an act of unnatural rebellion against the legal dominion of reason and justice; and this vice, in any constitution that entertains it, at one time or other will certainly bring on its ruin.

We are told that this is not a religious persecution; and its abettors are loud in disclaiming all severities on account of conscience. Very fine indeed! Then let it be so: they are not persecutors; they are only tyrants. With all my heart. I am perfectly indifferent concerning the pretexts upon which we torment one another, or whether it be for the constitution of the Church of England, or for the constitution of the State of England, that people choose to make their fellow-creatures wretched. . . .

Since you have suffered me to trouble you so much on this subject, permit me, Gentlemen, to detain you a little longer. I am, indeed, most solicitous to give you perfect satisfaction. I find there are some of a better and softer nature than the persons with whom I have supposed myself in debate, who neither think ill of the act of relief, nor by any means desire the repeal—yet who, not accusing, but lamenting what was done, on account of the consequences, have frequently expressed their wish that the late act had never been made. Some of this description, and persons of worth, I have met with in this city. They conceive that the prejudices, whatever they might be, of a large part of the people ought not to have been shocked—that their opinions ought to have been previously taken, and much attended to—and that thereby the late horrid scenes might have been prevented.

I confess, my notions are widely different; and I never was less sorry for any action of my life. I like the bill the better on account of the events of all kinds that followed it. It relieved the real sufferers; it strengthened the state; and, by the disorders that ensued, we had clear evidence that there lurked a temper somewhere which ought not to be fostered by the laws. No ill consequences whatever could be attributed to the act itself. We knew before-

hand, or we were poorly instructed, that toleration is odious to the intolerant, freedom to oppressors, property to robbers, and all kinds and degrees of prosperity to the envious. We knew that all these kinds of men would gladly gratify their evil dispositions under the sanction of law and religion, if they could; if they could not, yet, to make way to their objects, they would do their utmost to subvert all religion and all law. This we certainly knew. But, knowing this, is there any reason, because thieves break in and steal, and thus bring detriment to you, and draw ruin on themselves, that I am to be sorry that you are in possession of shops, and of warehouses, and of wholesome laws to protect them? Are you to build no houses, because desperate men may pull them down upon their own heads? Or if a malignant wretch will cut his own throat because he sees you give alms to the necessitous and deserving, shall his destruction be attributed to your charity, and not to his own deplorable madness? If we repent of our good actions, what, I pray you, is left for our faults and follies? It is not the beneficence of the laws, it is the unnatural temper which beneficence can fret and sour, that is to be lamented. It is this temper which, by all rational means, ought to be sweetened and corrected. . . .

As to the opinion of the people, which some think, in such cases, is to be implicitly obeyed, near two years' tranquillity which followed the act, and its instant imitation in Ireland, proved abundantly that the late horrible spirit was in a great measure the effect of insidious art, and perverse industry, and gross misrepresentation. But suppose that the dislike had been much more deliberate and much more general than I am persuaded it was—when we know that the opinions of even the greatest multitudes are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. . . . No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people, but I would cheerfully gratify their humors. We are all a sort of children that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would even myself play my part in, any innocent buffooneries, to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient creature whatsoever, no, not so much as a kitling, to torment.

“But if I profess all this impolitic stubbornness, I may chance

never to be elected into Parliament." It is certainly not pleasing to be put out of the public service. But I wish to be a member of Parliament to have my share of doing good and resisting evil. It would therefore be absurd to renounce my objects in order to obtain my seat. I deceive myself, indeed, most grossly, if I had not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity, feeding my mind even with the visions and imaginations of such things, than to be placed on the most splendid throne of the universe, tantalized with a denial of the practice of all which can make the greatest situation any other than the greatest curse. Gentlemen, I have had my day. I can never sufficiently express my gratitude to you for having set me in a place wherein I could lend the slightest help to great and laudable designs. If I have had my share in any measure giving quiet to private property and private conscience; if by my vote I have aided in securing to families the best possession, peace; if I have joined in reconciling kings to their subjects, and subjects to their prince; if I have assisted to loosen the foreign holdings of the citizen, and taught him to look for his protection to the laws of his country, and for his comfort to the good-will of his countrymen; if I have thus taken my part with the best of men in the best of their actions, I can shut the book. I might wish to read a page or two more, but this is enough for my measure. I have not lived in vain.

And now, Gentlemen, on this serious day, when I come, as it were, to make up my account with you, let me take to myself some degree of honest pride on the nature of the charges that are against me. I do not here stand before you accused of venality, or of neglect of duty. It is not said that, in the long period of my service, I have, in a single instance, sacrificed the slightest of your interests to my ambition or to my fortune. It is not alleged that, to gratify any anger or revenge of my own, or of my party, I have had a share in wronging or oppressing any description of men, or any one man in any description. No! the charges against me are all of one kind: that I have pushed the principles of general justice and benevolence too far—further than a cautious policy would warrant, and further than the opinions of many would go along with me. In every accident which may happen through life, in pain, in sorrow, in depression, and distress, I will call to mind this accusation, and be comforted. . . .

## 2. *The Popery Laws in Ireland*

¶ The miserable plight of Catholics in his native Ireland had long engaged Burke's attention. Here was no case of oppression of a small minority; here a religion had been virtually outlawed in order that a nation might be subjugated. The great mass of the people, being Catholic, were excluded from political life and subjected to a severe penal code reaching throughout the civil and economic spheres. Before entering public life, Burke began to write a book on this subject, but it was never advanced beyond the sketching of a fragmentary outline, which was not published until after his death. In this so-called *Tract on the Popery Laws*,<sup>6</sup> he described the system and condemned it utterly, recognizing, however, that its enforcement had become obsolescent and that it had been inspired less by the spirit of religious bigotry than by the political exigencies of England's many wars against France and Spain.

Burke pointed out how the laws of land inheritance had been modified for the purpose of disintegrating Catholic properties, fortunes, and families. In a Catholic family an eldest son, by turning Protestant, could usurp control of his father's property; by the same means other children could compel their father to give over at once their prospective shares of inheritance. The wife of a Catholic, by changing her religion, could deprive her husband of all management and direction of his children.

Catholics were "disabled from taking or purchasing . . . any lands, any mortgage upon land, any rents or profits from land, any lease, interest, or term of any land, any annuity for life or lives or years, or any estate whatsoever, chargeable upon, or which may in any manner affect, any lands. One exception, and one only, is admitted by the statutes to the universality of this exclusion, viz, a lease for a term not exceeding thirty-one years. But even . . . on such a short lease a rent not less than two thirds of the full improved yearly value, at the time of the making it, shall be reserved during the whole continuance of the term. . . . If any lease is made exceeding either in duration or value, and in the smallest degree, the above limits, the whole interest is forfeited, and vested *ipso facto* in the first Protestant discoverer or informer."

Catholics were excluded by law from all public offices, from military service, from the legal profession. This last exclusion,

<sup>6</sup> Works, VI, 301-60

wrote Burke, "is carried to so scrupulous a severity that chamber practice, and even private conveyancing, the most voluntary agency, are prohibited to them under the severest penalties and the most rigid modes of inquisition. . . . No tradesman of that persuasion is capable by any service or settlement to obtain his freedom in any town corporate; so that they trade and work in their own native towns as aliens. . . . They are expressly forbidden, in whatever employment, to take more than two apprentices, except in the linen manufacture only."

All educational establishments in the country were closed to Catholics and they were prohibited from maintaining their own. Catholic schoolmasters were even forbidden to teach in a private family. Catholic families were enjoined, under legal penalties amounting to veritable outlawry, from sending their children abroad to be educated. Their homes could be searched without warrants. In the time of William and Anne, all monks and friars, and all priests not registered for specific parish duties, were legally banished from the country. The penalty for violating this proscription was hanging, drawing, and quartering. "As all the priests then in being and registered are long since dead," Burke pointed out, "and as these laws are made perpetual, every Popish priest is liable to the law."

Such in brief was the character of the anti-Catholic system of laws in eighteenth-century Ireland. As in England, the spirit of persecution had declined and the full rigors of the code were no longer felt in the concrete reality of Irish social life; but the walls of exclusion stood firm, and at any breach the privileged Protestants sprang to their defense. Burke condemned this arrangement as "a depravation of society" and based his argument for repealing it on the universal natural law of reason and justice. ¶

. . . The system which we have just reviewed, and the manner in which religious influence on the public is made to operate upon the laws concerning property in Ireland, is in its nature very singular, and differs, I apprehend, essentially, and perhaps to its disadvantage, from any scheme of religious persecution now existing in any other country in Europe, or which has prevailed in any time or nation with which history has made us acquainted. I believe it will not be difficult to show that it is unjust, impolitic, and inefficacious; that it has the most unhappy influence on the prosperity, the morals, and the safety of that country; that this influence is not accidental, but has flowed as the necessary and



direct consequence of the laws themselves, first on account of the object which they affect, and next by the quality of the greatest part of the instruments they employ. . . .

The first and most capital consideration with regard to this, as to every object, is the extent of it. And here it is necessary to premise, this system of penalty and incapacity has for its object no small sect or obscure party, but a very numerous body of men: a body which comprehends at least two thirds of that whole nation. It amounts to 2,800,000 souls, a number sufficient for the materials constituent of a great people. . . .

This consideration of the magnitude of the object ought to attend us through the whole inquiry; if it does not always affect the reason, it is always decisive on the importance of the question. It not only makes in itself a more leading point, but complicates itself with every other part of the matter, giving every error, minute in itself, a character and significance from its application. . . .

In the making of a new law it is undoubtedly the duty of the legislator to see that no injustice be done even to an individual; for there is then nothing to be unsettled, and the matter is under his hands to mold it as he pleases; and if he finds it untractable in the working, he may abandon it without incurring any new inconvenience. But in the question concerning the repeal of an old one, the work is of more difficulty; because laws, like houses, lean on one another, and the operation is delicate, and should be necessary. The objection, in such a case, ought not to arise from the natural infirmity of human institutions, but from substantial faults which contradict the nature and end of law itself: faults not arising from the imperfection, but from the misapplication and abuse of our reason. As no legislators can regard the *minima* of equity, a law may in some instances be a just subject of censure without being at all an object of repeal. But if its transgressions against common right and the ends of just government should be considerable in their nature and spreading in their effects, as this objection goes to the root and principle of the law, it renders it void in its obligatory quality on the mind, and therefore determines it as the proper object of abrogation and repeal, so far as regards its civil existence. The objection here is, as we observed, by no means on account of the imperfection of the law; it is on account of its erroneous principle; for if this be fundamentally wrong, the more perfect the law is made, the worse it becomes. . . . A law against the majority of the people is in substance a law against the people itself; its extent determines its in-

validity; it even changes its character as it enlarges its operation. It is not particular injustice, but general oppression; and can no longer be considered as a private hardship, which might be borne, but spreads and grows up into the unfortunate importance of a national calamity.

Now as a law directed against the mass of the nation has not the nature of a reasonable institution, so neither has it the authority; for in all forms of government the people is the true legislator; and whether the immediate and instrumental cause of the law be a single person or many, the remote and efficient cause is the consent of the people, either actual or implied; and such consent is absolutely essential to its validity. To the solid establishment of every law two things are essentially requisite: first, a proper and sufficient human power to declare and modify the matter of the law; and next, such a fit and equitable constitution as they have a right to declare and render binding. With regard to the first requisite—the human authority—it is their judgment they give up, not their right. The people, indeed, are presumed to consent to whatever the legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason which the necessity of government has made superior to their own. But though the means, and indeed the nature, of a public advantage may not always be evident to the understanding of the subject, no one is so gross and stupid as not to distinguish between a benefit and an injury. No one can imagine, then, an exclusion of a great body of men, not from favors, privileges, and trusts, but from the common advantages of society, can ever be a thing intended for their good, or can ever be ratified by any implied consent of theirs. If, therefore, at least an implied human consent is necessary to the existence of a law, such a constitution cannot in propriety be a law at all.

### *Supremacy of the Moral Law: Cicero vs. Hobbes*

But if we could suppose that such a ratification was made, not virtually, but actually, by the people; not representatively, but even collectively; still it would be null and void. They have no right to make a law prejudicial to the whole community, even though the delinquents in making such an act should be themselves the chief sufferers by it; because it would be made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter. I mean the

will of Him who gave us our nature, and in giving impressed an invariable law upon it. It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position that any body of men have a right to make what laws they please — or that laws can derive any authority from their institution merely, and independent of the quality of the subject-matter. No arguments of policy, reason of state, or preservation of the constitution can be pleaded in favor of such a practice. They may, indeed, impeach the frame of that constitution, but can never touch this immovable principle. This seems to be, indeed, the doctrine which Hobbes broached in the last century, and which was then so frequently and so ably refuted. Cicero exclaims with the utmost indignation and contempt against such a notion, he considers it not only as unworthy of a philosopher, but of an illiterate peasant; that of all things this was the most truly absurd, to fancy that the rule of justice was to be taken from the constitutions of commonwealths, or that laws derived their authority from the statutes of the people, the edicts of princes, or the decrees of judges. If it be admitted that it is not the black-letter and the king's arms that make the law, we are to look for it elsewhere.

In reality there are two, and only two, foundations of law; and they are both of them conditions without which nothing can give it any force. I mean equity and utility. With respect to the former, it grows out of the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice. The other foundation of law, which is utility, must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and derived directly from, our rational nature; for any other utility may be the utility of a robber, but cannot be that of a citizen — the interest of the domestic enemy, and not that of a member of the commonwealth. This present equality can never be the foundation of statutes which create an artificial difference between men, as the laws before us do, in order to induce a consequential inequality in the distribution of justice.

. . . Partiality and law are contradictory terms. Neither the merits nor the ill deserts, neither the wealth and importance nor the indigence and obscurity, of the one part or of the other, can make any alteration in this fundamental truth. On any other

scheme, I defy any man living to settle a correct standard which may discriminate between equitable rule and the most direct tyranny. For if we can once prevail upon ourselves to depart from the strictness and integrity of this principle in favor even of a considerable party, the argument will hold for one that is less so; and thus we shall go on, narrowing the bottom of public right, until step by step we arrive, though after no very long or very forced deduction, at what one of our poets calls the *enormous faith*: the faith of the many, created for the advantage of a single person.<sup>7</sup> . . .

I am sensible that these principles, in their abstract light, will not be very strenuously opposed. Reason is never inconvenient but when it comes to be applied. Mere general truths interfere very little with the passions. They can, until they are roused by a troublesome application, rest in great tranquillity side by side with tempers and proceedings the most directly opposite to them. Men want to be reminded who do not want to be taught; because those original ideas of rectitude to which the mind is compelled to assent when they are proposed are not always as present to it as they ought to be. When people are gone, if not into a denial, at least into a sort of oblivion of those ideas, when they know them only as barren speculations, and not as practical motives for conduct, it will be proper to press, as well as to offer them to the understanding; and when one is attacked by prejudices which aim to intrude themselves into the place of law, what is left for us but to vouch and call to warranty those principles of original justice from whence alone our title to everything valuable in society is derived? Can it be thought to arise from a superfluous, vain parade of displaying general and uncontroverted maxims, that we should revert at this time to the first principles of law, when we have directly under our consideration a whole body of statutes which, I say, are so many contradictions, which their advocates allow to be so many exceptions from those very principles? Take them in the most favorable light, every exception from the original and fixed rule of equality and justice ought surely to be very well authorized in the reason of their deviation, and very rare in their use. For, if they should grow to be frequent, in what would they differ from an abrogation of the rule itself? By becoming thus frequent, they might even go further, and, establishing themselves into a principle, convert the rule into

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<sup>7</sup> Alexander Pope: "Who first taught souls enslaved, and realms undone, Th' enormous faith of many made for one . . . ?" (*An Essay on Man*, Epistle III.)

the exception. It cannot be dissembled that this is not at all remote from the case before us, where the great body of the people are excluded from all valuable property; where the greatest and most ordinary benefits of society are conferred as privileges, and not enjoyed on the footing of common rights.

### *Irish Catholics and French Huguenots*

The clandestine manner in which those in power carry on such designs is a sufficient argument of the sense they inwardly entertain of the true nature of their proceedings. Seldom is the title or preamble of the law of the same import with the body and enacting part; but they generally place some other color uppermost, which differs from that which is afterwards to appear, or at least one that is several shades fainter. Thus, the penal laws in question are not called laws to oblige men baptized and educated in Popery to renounce their religion or their property, but are called laws to prevent the growth of Popery; as if their purpose was only to prevent conversions to that sect, and not to persecute a million of people already engaged in it. But of all the instances of this sort of legislative artifice, and of the principles that produced it, I never met with any which made a stronger impression on me than that of Louis the Fourteenth, in the revocation of the Edict of Nantes.<sup>8</sup> That monarch had, when he made that revocation, as few measures to keep with public opinion as any man. In the exercise of the most unresisted authority at home, in a career of uninterrupted victory abroad, and in a course of flattery equal to the circumstances of his greatness in both these particulars, he might be supposed to have as little need as disposition to render any sort of account to the world of his procedure towards his subjects. But the persecution of so vast a body of men as the Huguenots was too strong a measure even for the law of pride and power. It was too glaring a contradiction even to those principles upon which persecution itself is supported. Shocked at the naked attempt, he had recourse, for a palliation of his conduct, to an unkingly denial of the fact which made against him. In the preamble, therefore, to his Act of Revocation, he sets forth that the Edict of Nantes was no longer necessary, as the object of it (the Protestants of his kingdom) were then reduced to a very small number. The refugees in Holland cried out against this misrepresentation. They asserted, I believe with truth, that this revocation had driven two hundred thousand of them out of their country, and that they could readily demonstrate there still remained six hundred thou-

<sup>8</sup> By this act, in 1685, Protestantism had been outlawed in France

sand Protestants in France. If this were the fact (as it was undoubtedly), no argument of policy could have been strong enough to excuse a measure by which eight hundred thousand men were despoiled, at one stroke, of so many of their rights and privileges. Louis the Fourteenth confessed, by this sort of apology, that if the number had been large, the revocation had been unjust. But, after all, is it not most evident that this act of injustice, which let loose on that monarch such a torrent of invective and reproach, and which threw so dark a cloud over all the splendor of a most illustrious reign, falls far short of the case in Ireland? The privileges which the Protestants of that kingdom enjoyed antecedent to this revocation were far greater than the Roman Catholics of Ireland ever aspired to under a contrary establishment. The number of their sufferers, if considered absolutely, is not half of ours; if considered relatively to the body of each community, it is not perhaps a twentieth part. And then the penalties and incapacities which grew from that revocation are not so grievous in their nature, nor so certain in their execution, nor so ruinous by a great deal to the civil prosperity of the state, as those which we have established for a perpetual law in our unhappy country. . . .

### *Sectarian Bigotry vs. Civil Society and Patriotism*

In putting this parallel, I take it for granted that we can stand for this short time very clear of our party distinctions. . . . I flatter myself that not a few will be found who do not think that the names of Protestant and Papist can make any change in the nature of essential justice. Such men will not allow that to be proper treatment to the one of these denominations which would be cruelty to the other, and which converts its very crime into the instrument of its defense; they will hardly persuade themselves that what was bad policy in France can be good in Ireland, or that what was intolerable injustice in an arbitrary monarch becomes, only by being more extended and more violent, an equitable procedure in a country professing to be governed by law. It is, however, impossible not to observe with some concern that there are many also of a different disposition—a number of persons whose minds are so formed that they find the communion of religion to be a close and an endearing tie, and their country to be no bond at all—to whom common altars are a better relation than common habitations and a common civil interest—whose hearts are touched with the distresses of foreigners, and are abundantly awake to all the tenderness of human feeling on such an occasion, even at the moment that they

are inflicting the very same distresses, or worse, on their fellow-citizens, without the least sting of compassion or remorse To commiserate the distresses of all men suffering innocently, perhaps meritoriously, is generous, and very agreeable to the better part of our nature—a disposition that ought by all means to be cherished But to transfer humanity from its natural basis, our legitimate and home bred connections—to lose all feeling for those who have grown up by our sides, in our eyes, the benefit of whose cares and labors we have partaken from our birth, and meretriciously to hunt abroad after foreign affections, is such a disarrangement of the whole system of our duties that I do not know whether benevolence so displaced is not almost the same thing as destroyed, or what effect bigotry could have produced that is more fatal to society. These observations, which are a digression, but hardly, I think, can be considered as a departure from the subject, have detained us some time. We will now come more directly to our purpose

It has been shown, I hope with sufficient evidence, that a constitution against the interest of the many is rather of the nature of a grievance than of a law; that of all grievances it is the most weighty and important, that it is made without due authority, against all the acknowledged principles of jurisprudence, against the opinions of all the great lights in that science; and that such is the tacit sense even of those who act in the most contrary manner. These points are, indeed, so evident that I apprehend the abettors of the penal system will ground their defense on an admission and not on a denial of them. They will lay it down as a principle that the Protestant religion is a thing beneficial for the whole community, as well in its civil interests as in those of a superior order From thence they will argue that, the end being essentially beneficial, the means become instrumentally so; that these penalties and incapacities are not final causes of the law, but only a discipline to bring over a deluded people to their real interest, and therefore, though they may be harsh in their operation, they will be pleasant in their effects; and be they what they will, they cannot be considered as a very extraordinary hardship, as it is in the power of the sufferer to free himself when he pleases, and that only by converting to a better religion. . . .

I shall be very short, without being, I think, the less satisfactory, in my answer to these topics, because they never can be urged from a conviction of their validity, and are, indeed, only the usual and impotent struggles of those who are unwilling to abandon a practice which they are unable to defend. First, then,

I observe that if the principle of their final and beneficial intention be admitted as a just ground for such proceedings, there never was, in the blamable sense of the word, nor ever can be, such a thing as a religious persecution in the world. Such an intention is pretended by all men—who all not only insist that their religion has the sanction of Heaven, but is likewise, and for that reason, the best and most convenient to human society. All religious persecution, Mr. Bayle<sup>9</sup> well observes, is grounded upon a miserable *petitio principii*. You are wrong, I am right; you must come over to me, or you must suffer. Let me add that the great inlet by which a color for oppression has entered into the world is by one man's pretending to determine concerning the happiness of another, and by claiming a right to use what means he thinks proper in order to bring him to a sense of it. It is the ordinary and trite sophism of oppression. But there is not yet such a convenient ductility in the human understanding as to make us capable of being persuaded that men can possibly mean the ultimate good of the whole society by rendering miserable for a century together the greater part of it—or that anyone has such a reversionary benevolence as seriously to intend the remote good of a late posterity, who can give up the present enjoyment which every honest man must have in the happiness of his contemporaries. Everybody is satisfied that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society, and that therefore all forms whatsoever of government are only good as they are subservient to that purpose to which they are entirely subordinate. Now to aim at the establishment of any form of government by sacrificing what is the substance of it, to take away or at least to suspend the rights of nature in order to an approved system for the protection of them, and for the sake of that about which men must dispute forever to postpone those things about which they have no controversy at all, and this not in minute and subordinate, but large and principal objects, is a procedure as preposterous and absurd in argument as it is oppressive and cruel in its effect. For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition: that all men, at least the majority of men in the society, ought to enjoy the common advantages of it. You fall, therefore, into a double error: first, you incur a certain mischief for an advantage which is comparatively problematical, even though you were sure of obtaining it; secondly, whatever the proposed advantage may

<sup>9</sup> Pierre Bayle, French critic and philosopher (1647-1706).



be, were it of a certain nature, the attainment of it is by no means certain; and such deep gaming for stakes so valuable ought not to be admitted. The risk is of too much consequence to society. If no other country furnished examples of this risk, yet our laws and our country are enough fully to demonstrate the fact. Ireland, after almost a century of persecution, is at this hour full of penalties and full of Papists. . . .

Now as to the other point, that the objects of these laws suffer voluntarily: this seems to me to be an insult rather than an argument. For, besides that it totally annihilates every characteristic and therefore every faulty idea of persecution, just as the former does, it supposes, what is false in fact, that it is in a man's moral power to change his religion whenever his convenience requires it. If he be beforehand satisfied that your opinion is better than his, he will voluntarily come over to you, and without compulsion, and then your law would be unnecessary; but if he is not so convinced, he must know that it is his duty in this point to sacrifice his interest here to his opinion of his eternal happiness, else he could have in reality no religion at all. In the former case, therefore, as your law would be unnecessary, in the latter it would be persecuting: that is, it would put your penalty and his ideas of duty in the opposite scales; which is, or I know not what is, the precise idea of persecution. . . .

The second head upon which I propose to consider those statutes with regard to their object, and which is the next in importance to the magnitude, and of almost equal concern in the inquiry into the justice of these laws, is its possession. It is proper to recollect that this religion, which is so persecuted in its members, is the old religion of the country, and the once established religion of the state: the very same which had for centuries received the countenance and sanction of the laws, and from which it would at one time have been highly penal to have dissented. In proportion as mankind has become enlightened, the idea of religious persecution, under any circumstances, has been almost universally exploded by all good and thinking men. The only faint shadow of difficulty which remains is concerning the introduction of new opinions. Experience has shown that, if it has been favorable to the cause of truth, it has not been always conducive to the peace of society. Though a new religious sect should even be totally free in itself from any tumultuous and disorderly zeal, which, however, is rarely the case, it has a tendency to create a resistance from the establishment in possession, productive of great disorders, and thus becomes, innocently indeed, but yet very

certainly, the cause of the bitterest dissensions in the commonwealth. To a mind not thoroughly saturated with the tolerating maxims of the Gospel, a preventive persecution, on such principles, might come recommended by strong, and, apparently, no immoral motives of policy, whilst yet the contagion was recent, and had laid hold but on a few persons. The truth is, these politics are rotten and hollow at bottom, as all that are founded upon any however minute a degree of positive injustice must ever be. But they are specious, and sufficiently so to delude a man of sense and of integrity. But it is quite otherwise with the attempt to eradicate by violence a wide-spreading and established religious opinion. If the people are in an error, to inform them is not only fair, but charitable; to drive them is a strain of the most manifest injustice. If not the right, the presumption, at least, is ever on the side of possession. Are they mistaken? If it does not fully justify them, it is a great alleviation of guilt, which may be mingled with their misfortune, that the error is none of their forging — that they received it on as good a footing as they can receive your laws and your legislative authority, because it was handed down to them from their ancestors. The opinion may be erroneous, but the principle is undoubtedly right; and you punish them for acting upon a principle which of all others is perhaps the most necessary for preserving society, an implicit admiration and adherence to the establishments of their forefathers.

If, indeed, the legislative authority was on all hands admitted to be the ground of religious persuasion, I should readily allow that dissent would be rebellion. In this case it would make no difference whether the opinion was sucked in with the milk or imbibed yesterday; because the same legislative authority which had settled could destroy it with all the power of a creator over his creature. But this doctrine is universally disowned, and for a very plain reason. Religion, to have any force on men's understandings, indeed to exist at all, must be supposed paramount to laws, and independent for its substance upon any human institution — else it would be the absurdest thing in the world, an acknowledged cheat. Religion, therefore, is not believed because the laws have established it, but it is established because the leading part of the community have previously believed it to be true. . . .

However, we are warranted to go thus far. The people often actually do (and perhaps they cannot in general do better) take their religion, not on the coercive, which is impossible, but on the influencing authority of their governors, as wise and informed men. But if they once take a religion on the word of the state,

they cannot in common sense do so a second time, unless they have some concurrent reason for it. The prejudice in favor of your wisdom is shook by your change. You confess that you have been wrong, and yet you would pretend to dictate by your sole authority; whereas you disengage the mind by embarrassing it. For why should I prefer your opinion of today to your persuasion of yesterday? If we must resort to prepossessions for the ground of opinion, it is in the nature of man rather to defer to the wisdom of times past, whose weakness is not before his eyes, than to the present, of whose imbecility he has daily experience. Veneration of antiquity is congenial to the human mind. When, therefore, an establishment would persecute an opinion in possession, it sets against it all the powerful prejudices of human nature. It even sets its own authority, when it is of most weight, against itself in that very circumstance in which it must necessarily have the least; and it opposes the stable prejudice of time against a new opinion founded on mutability: a consideration that must render compulsion in such a case the more grievous, as there is no security that, when the mind is settled in the new opinion, it may not be obliged to give place to one that is still newer, or even to a return of the old. But when an ancient establishment begins early to persecute an innovation, it stands upon quite other grounds, and it has all the prejudices and presumptions on its side. It puts its own authority, not only of compulsion, but prepossession, the veneration of past age, as well as the activity of the present time, against the opinion only of a private man or set of men. If there be no reason, there is at least some consistency in its proceedings. Commanding to constancy, it does nothing but that of which it sets an example itself. But an opinion at once new and persecuting is a monster; because, in the very instant in which it takes a liberty of change, it does not leave to you even a liberty of perseverance.

Is, then, no improvement to be brought into society? Undoubtedly; but not by compulsion — but by encouragement — but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence. . . .

But, say the abettors of our penal laws, this old possessed superstition is such in its principles that society, on its general principles, cannot subsist along with it. Could a man think such an objection possible, if he had not actually heard it made — an objection contradicted, not by hypothetical reasonings, but the clear evidence of the most decisive facts? Society not only exists, but

flourishes at this hour with this superstition, in many countries, under every form of government — in some established, in some tolerated, in others upon an equal footing. And was there no civil society at all in these kingdoms before the Reformation? To say it was not as well constituted as it ought to be is saying nothing at all to the purpose; for that assertion evidently regards improvement, not existence. It certainly did then exist; and it as certainly then was at least as much to the advantage of a very great part of society as what we have brought in the place of it; which is, indeed, a great blessing to those who have profited of the change; but to all the rest, as we have wrought — that is, by blending general persecution with partial reformation — it is the very reverse. We found the people heretics and idolaters; we have, by way of improving their condition, rendered them slaves and beggars: they remain in all the misfortune of their old errors, and all the superadded misery of their recent punishment. They were happy enough, in their opinion at least, before the change; what benefits society then had, they partook of them all. They are now excluded from those benefits; and, so far as civil society comprehends them, and as we have managed the matter, our persecutions are so far from being necessary to its existence that our very reformation is made in a degree noxious. If this be improvement, truly I know not what can be called a depravation of society. . . .

The great prop of this whole system is not pretended to be its justice or its utility, but the supposed danger to the state, which gave rise to it originally, and which, they apprehend, would return, if this system were overturned. Whilst, say they, the Papists of this kingdom were possessed of landed property, and of the influence consequent to such property, their allegiance to the crown of Great Britain was ever insecure, the public peace was ever liable to be broken, and Protestants never could be a moment secure either of their properties or of their lives. Indulgence only made them arrogant, and power daring; confidence only excited and enabled them to exert their inherent treachery; and the times which they generally selected for their most wicked and desperate rebellions were those in which they enjoyed the greatest ease and the most perfect tranquillity.

Such are the arguments that are used, both publicly and privately, in every discussion upon this point. They are generally full of passion and of error, and built upon facts which in themselves are most false. It cannot, I confess, be denied that those miserable performances which go about under the names of histories of Ireland do, indeed, represent those events after this

manner; and they would persuade us, contrary to the known order of nature, that indulgence and moderation in governors is the natural incitement in subjects to rebel. But there is an interior history of Ireland, the genuine voice of its records and monuments, which speaks a very different language from these histories, from Temple and from Clarendon:<sup>10</sup> these restore nature to its just rights, and policy to its proper order. For they even now show to those who have been at the pains to examine them, and they may show one day to all the world, that these rebellions were not produced by toleration, but by persecution: that they arose not from just and mild government, but from the most unparalleled oppression. These records will be far from giving the least countenance to a doctrine so repugnant to humanity and good sense as that the security of any establishment, civil or religious, can ever depend upon the misery of those who live under it, or that its danger can arise from their quiet and prosperity. God forbid that the history of this or any country should give such encouragement to the folly or vices of those who govern! If it can be shown that the great rebellions of Ireland have arisen from attempts to reduce the natives to the state to which they are now reduced, it will show that an attempt to continue them in that state will rather be disadvantageous to the public peace than any kind of security to it. These things have in some measure begun to appear already; and as far as regards the argument drawn from former rebellions, it will fall readily to the ground. But, for my part, I think the real danger to every state is to render its subjects justly discontented; nor is there in politics or science any more effectual secret for their security than to establish in their people a firm opinion that no change can be for their advantage. It is true that bigotry and fanaticism may for a time draw great multitudes of people from a knowledge of their true and substantial interest. But upon this I have to remark three things. First, that such a temper can never become universal, or last for a long time. . . . The majority of men are in no persuasion bigots; they are not willing to sacrifice, on every vain imagination that superstition or enthusiasm holds forth, or that even zeal and piety recommend, the certain possession of their temporal happiness. And if such a spirit has been at any time roused in a society, after it has had its paroxysm it commonly subsides and is quiet, and is even the weaker for the violence of its first exertion: security and ease are its mortal

<sup>10</sup> Sir William Temple (1628–89) and the Earl of Clarendon (1608–74), statesmen and narrators of seventeenth-century history.

enemies. But, secondly, if anything can tend to revive and keep it up, it is to keep alive the passions of men by ill usage. This is enough to irritate even those who have not a spark of bigotry in their constitution to the most desperate enterprises; it certainly will inflame, darken, and render more dangerous the spirit of bigotry in those who are possessed by it. Lastly, by rooting out any sect, you are never secure against the effects of fanaticism; it may arise on the side of the most favored opinions; and many are the instances wherein the established religion of a state has grown ferocious and turned upon its keeper, and has often torn to pieces the civil establishment that had cherished it, and which it was designed to support: France — England — Holland. . . .

### 3. *First Catholic Relief Measures in Ireland*

¶ The first breaches in the anti-Catholic penal code of Ireland were made in the turbulent decade of the 1770's. Catholics who were willing to spend money and labor in reclaiming marsh-land were permitted (in 1771) to lease up to fifty acres of bog for as long as sixty-one years — provided the bog was at least four feet deep and did not lie within a mile of any city or market town! Three years later, in 1774, a measure was carried that enabled Catholics to attest their loyalty to the crown by taking an oath of allegiance and making a declaration in form prescribed by law. The declaration renounced allegiance to the Stuarts, repudiated the opinion that heretics might lawfully be murdered, that faith need not be kept with them, and that excommunicated sovereigns might be deposed or murdered, and denied that the pope had or should have any temporal or civil jurisdiction within the realm. The taking of this oath helped to allay Protestant fears of the oppressed Catholic majority, facilitated enlistment (not yet legal) of Catholic soldiers in the King's army, and eased the way for further relief measures.

In 1778, soon after the English Parliament passed the Savile Act, the first large breach was made in the Irish anti-Catholic system. A measure was passed by the Irish Parliament to give the Catholics the benefit of laws regulating the leasing and inheriting of land. On taking the oath of allegiance and making the prescribed declaration, they could now make 999-year leases, and although still forbidden to buy land in freehold, they could inherit it in exactly the same way as Protestants. No longer could the eldest son in a Catholic family obtain his father's property by turning Protestant, and the landed estate of a Catholic was no longer subject to compulsory division among the heirs.

The Catholic Relief Act of 1778 was in great measure the fruit of patient striving by the Dublin Association, which had originated in the 1750's among Catholic laymen of the trading classes, and was presided over from 1773 to 1791 by a Catholic nobleman, Lord Kenmare. But the passage of the act at this time was fully explicable only in the light of political circumstances. The English-controlled Irish government desired to nourish Catholic loyalty to the crown in the great crisis of war with France and America, and the Protestant nationalists in the Irish Parliament were willing to appease the Catholics as a tactical aid for obtaining legislative independence from the English Parliament and Privy Council. When the act was passed Burke expressed his pleasure in a letter to Luke Gardiner, a member of the Irish House of Commons and under-secretary to the lord-lieutenant: "You have for the first time got the government of the country to acknowledge and protect all its subjects, and I am sure that those subjects of that government are equally obliged to you: the one for their liberty; the other for its security, quiet, strength and reputation. . . . You have made those who were your countrymen become fellow citizens; before this they were only the worse enemies for the accident of a common birthplace. But they begin to coalesce; and I trust that you will live to see and enjoy the good you have done, in the total extinction of all spirit of party which has religious opinion for its principle."<sup>11</sup>

In 1782 additional Catholic relief was carried in Ireland. Mr. Gardiner introduced proposals in the Irish House of Commons in January, and they were deliberated through the winter-spring political crisis that led to Irish legislative independence. Then two bills were passed which enabled Catholics legally to purchase land (save in parliamentary boroughs) and repealed a number of obsolete laws that had made it a penal offense for bishops and monks to reside in Ireland. Under strictly defined conditions, the hierarchical and liturgical life of the Catholic Church at last became lawful in Ireland. Catholics were permitted to become schoolmasters (provided they took no Protestant pupils), although no "popish" university, college, or endowed school was yet allowed by law. A proposal to legalize intermarriage with Protestants was defeated, and heavy civil and political disabilities continued to weigh upon Catholics. They were far from being admitted to equal partnership in civil society and were totally ex-

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<sup>11</sup> Quoted with permission from an original manuscript letter (dated August 1778) in the possession of the Morgan Library, New York City.

cluded from the life of the state. As the 1782 measure was maturing, Burke set forth his views in *A Letter to a Peer of Ireland on the Penal Laws against the Irish Catholics*.<sup>12</sup> He regarded the new laws as inadequate and recommended the principle of giving to Catholics the full rights of civil society. He wrote as follows under the date of February 21, 1782. ¶

My Lord — I am obliged to your Lordship for your communication of the heads of Mr. Gardiner's bill.<sup>13</sup> . . . Your Lordship is too well acquainted with men, and with affairs, to imagine that any true judgment can be formed on the value of a great measure of policy from the perusal of a piece of paper. At present I am much in the dark with regard to the state of the country which the intended law is to be applied to. It is not easy for me to determine whether or no it was wise (for the sake of expunging the black letter of laws which, menacing as they were in the language, were every day fading into disuse) solemnly to reaffirm the principles and to re-enact the provisions of a code of statutes by which you are totally excluded from THE PRIVILEGES OF THE COMMONWEALTH, from the highest to the lowest, from the most material of the civil professions, from the army, and even from education, where alone education is to be had.<sup>14</sup>

Whether this scheme of indulgence, grounded at once on contempt and jealousy, has a tendency gradually to produce something better and more liberal, I cannot tell, for want of having the actual map of the country. If this should be the case, it was right in you to accept it, such as it is. But if this should be one of the experiments which have sometimes been made before the temper of the nation was ripe for a real reformation, I think it may possibly have ill effects, by disposing the penal matter in a more systematic order, and thereby fixing a permanent bar against any relief that is truly substantial. The whole merit or demerit of the measure depends upon the plans and dispositions of those by whom the act was made, concurring with the general temper

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<sup>12</sup> Works, IV, 219-39

<sup>13</sup> Legislative initiative was reserved to the crown under the Irish constitution, but under the form of "heads of bills" the Irish Parliament could propose measures for consideration by the crown and Privy Council

<sup>14</sup> The sketch of the bill sent to Burke repealed some parts, but reaffirmed many other parts of the penal code. It was to be altered in the final enactment by leaving out the clauses that reaffirmed the old disabilities. But these continued to exist.



of the Protestants of Ireland, and their aptitude to admit in time of some part of that equality without which you never can be FELLOW-CITIZENS.

To look at the bill in the abstract, it is neither more nor less than a renewed act of UNIVERSAL, UNMITIGATED, INDISPENSABLE, EXCEPTIONLESS DISQUALIFICATION.

One would imagine that a bill inflicting such a multitude of incapacities had followed on the heels of a conquest made by a very fierce enemy, under the impression of recent animosity and resentment. No man, on reading that bill, could imagine he was reading an act of amnesty and indulgence, following a recital of the good behavior of those who are the objects of it — which recital stood at the head of the bill as it was first introduced, but, I suppose for its incongruity with the body of the piece, was afterwards omitted. This I say on memory. It, however, still recites the oath, and that Catholics ought to be considered as good and loyal subjects to his Majesty, his crown and government. Then follows a universal exclusion of those GOOD and LOYAL subjects from every (even the lowest) office of trust and profit — from any vote at an election — from any privilege in a town corporate — from being even a freeman of such a corporation — from serving on grand juries — from a vote at a vestry — from having a gun in his house — from being a barrister, attorney, or solicitor, &c., &c., &c.

This has surely much more the air of a table of proscription than an act of grace. What must we suppose the laws concerning those *good* subjects to have been of which this is a relaxation? I know well that there is a cant language current about the difference between an exclusion from employments, even to the most rigorous extent, and an exclusion from the natural benefits arising from a man's own industry. I allow that, under some circumstances, the difference is very material in point of justice, and that there are considerations which may render it advisable for a wise government to keep the leading parts of every branch of civil and military administration in hands of the best trust; but a total exclusion from the commonwealth is a very different thing. When a government subsists (as governments formerly did) on an estate of its own, with but few and inconsiderable revenues drawn from the subject, then the few officers which existed in such establishments were naturally at the disposal of that government, which paid the salaries out of its own coffers: there an exclusive preference could hardly merit the name of proscription. Almost the whole produce of a man's industry at that time re-

mained in his own purse to maintain his family But times alter and the *whole* estate of government is from private contribution. When a very great portion of the labor of individuals goes to the state, and is by the state again refunded to individuals, through the medium of offices, and in this circuitous progress from the private to the public, and from the public again to the private fund, the families from whom the revenue is taken are indemnified, and an equitable balance between the government and the subject is established But if a great body of the people who contribute to this state lottery are excluded from all the prizes, the stopping the circulation with regard to them may be a most cruel hardship, amounting in effect to being double and treble taxed; and it will be felt as such to the very quick, by all the families, high and low, of those hundreds of thousands who are denied their chance in the returned fruits of their own industry. This is the thing meant by those who look upon the public revenue only as a spoil, and will naturally wish to have as few as possible concerned in the division of the booty If a state should be so unhappy as to think it cannot subsist without such a barbarous proscription, the persons so proscribed ought to be indemnified by the remission of a large part of their taxes, by an immunity from the offices of public burden, and by an exemption from being pressed into any military or naval service.

. . This hardship is the more intolerable because the professions are shut up. The Church<sup>15</sup> is so of course. Much is to be said on that subject, in regard to them, and to the Protestant Dissenters But that is a chapter by itself. I am sure I wish well to that Church, and think its ministers among the very best citizens of your country. However, such as it is, a great walk in life is forbidden ground to seventeen hundred thousand of the inhabitants of Ireland Why are they excluded from the law? Do not they expend money in their suits? Why may not they indemnify themselves, by profiting, in the persons of some, for the losses incurred by others? Why may not they have persons of confidence, whom they may, if they please, employ in the agency of their affairs? The exclusion from the law, from grand juries, from sheriffships and under-sheriffships, as well as from freedom in any corporation, may subject them to dreadful hardships, as it may exclude them wholly from all that is beneficial and expose them to all that is mischievous in a trial by jury. This was manifestly within my own observation, for I was three times in Ireland from the year 1760 to the year 1767, where I had sufficient

<sup>15</sup> The Anglican Church of Ireland

means of information concerning the inhuman proceedings (among which were many cruel murders, besides an infinity of outrages and oppressions unknown before in a civilized age) which prevailed during that period, in consequence of a pretended conspiracy among *Roman Catholics* against the king's government.<sup>16</sup> I could dilate upon the mischiefs that may happen, from those which have happened, upon this head of disqualification, if it were at all necessary.

The head of exclusion from votes for members of Parliament is closely connected with the former.<sup>17</sup> When you cast your eye on the statute-book, you will see that no *Catholic*, even in the ferocious acts of Queen Anne, was disabled from voting on account of his religion. The only conditions required for that privilege were the oaths of allegiance and abjuration.<sup>18</sup>—both oaths relative to a civil concern. Parliament has since added another oath of the same kind;<sup>19</sup> and yet a House of Commons, adding to the securities of government in proportion as its danger is confessedly lessened, and professing both confidence and indulgence, in effect takes away the privilege left by an act full of jealousy and professing persecution.

The taking away of a vote is the taking away the shield which the subject has, not only against the oppression of power, but that worst of all oppressions, the persecution of private society and private manners. No candidate for parliamentary influence is obliged to the least attention towards them, either in cities or counties. On the contrary, if they should become obnoxious to any bigoted or malignant people amongst whom they live, it will become the interest of those who court popular favor to use the numberless means which always reside in magistracy and influence to oppress them. . . . The Protestants of Ireland feel well and naturally on the hardship of being bound by laws in the enacting of which they do not directly or indirectly vote. The bounds of these matters are nice, and hard to be settled in theory, and perhaps they have been pushed too far. But how they can avoid the neces-

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<sup>16</sup> Reference to the cruelties of the Protestant authorities in crushing the "Whiteboys"—a movement provoked by poverty and economic oppression. For Burke's analysis of these disorders see *Correspondence of the Right Honourable Edmund Burke* (edited by Earl Fitzwilliam and Sir Richard Bourke), I, 41-5.

<sup>17</sup> For Burke's argument in favor of admitting Catholics to the franchise, see below, pp. 477-501.

<sup>18</sup> Allegiance to the crown and abjuration of the temporal power of the pope.

<sup>19</sup> The 1774 oath. See above, p. 163.

sary application of the principles they use in their disputes with others to their disputes with their fellow-citizens, I know not. . . .

### *The Need for Catholic Education in Ireland*

The laws against foreign education are clearly the very worst part of the old code. Besides your laity, you have the succession of about four thousand clergymen to provide for. These, having no lucrative objects in prospect, are taken very much out of the lower orders of the people. At home they have no means whatsoever provided for their attaining a clerical education, or indeed any education at all. . . .

It has been the custom of poor persons in Ireland to pick up such knowledge of the Latin tongue as, under the general discouragements, and occasional pursuits of magistracy, they were able to acquire; and receiving orders at home, were sent abroad to obtain a clerical education. By officiating in petty chaplainships, and performing now and then certain offices of religion for small gratuities, they received the means of maintaining themselves until they were able to complete their education. Through such difficulties and discouragements, many of them have arrived at a very considerable proficiency, so as to be marked and distinguished abroad. These persons afterwards, by being sunk in the most abject poverty, despised and ill-treated by the higher orders among Protestants, and not much better esteemed or treated even by the few persons of fortune of their own persuasion, and contracting the habits and ways of thinking of the poor and uneducated, among whom they were obliged to live, in a few years retained little or no traces of the talents and acquirements which distinguished them in the early periods of their lives. Can we with justice cut them off from the use of places of education founded for the greater part from the economy of poverty and exile, without providing something that is equivalent at home?

Whilst this restraint of foreign and domestic education was part of a horrible and impious system of servitude, the members were well fitted to the body. To render men patient under a deprivation of all the rights of human nature, everything which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. But when we profess to restore men to the capacity for property, it is equally irrational and unjust to deny them the power of improving their minds as well as their fortunes. Indeed, I have ever thought the prohibition of the means of improving our rational nature to be the worst species of

tyranny that the insolence and perverseness of mankind ever dared to exercise. This goes to all men, in all situations, to whom education can be denied

Your Lordship mentions a proposal which came from my friend the Provost, whose benevolence and enlarged spirit I am perfectly convinced of — which is the proposal of erecting a few sizarships in the college,<sup>90</sup> for the education (I suppose) of Roman Catholic clergymen. He certainly meant it well; but, coming from such a man as he is, it is a strong instance of the danger of suffering any description of men to fall into entire contempt. The charities intended for them are not perceived to be fresh insults; and the true nature of their wants and necessities being unknown, remedies wholly unsuitable to the nature of their complaint are provided for them. . . . If the other parts of the university were open to them, as well on the foundation as otherwise, the offering of sizarships would be a proportioned part of a *general* kindness. But when everything *liberal* is withheld, and only that which is *seivile* is permitted, it is easy to conceive upon what footing they must be in such a place.

. . . When we are to provide for the education of any body of men, we ought seriously to consider the particular functions they are to perform in life. A Roman Catholic clergyman is the minister of a very ritual religion, and by his profession subject to many restraints. His life is a life full of strict observances; and his duties are of a laborious nature towards himself, and of the highest possible trust towards others. The duty of confession alone is sufficient to set in the strongest light the necessity of his having an appropriated mode of education. The theological opinions and peculiar rites of one religion never can be properly taught in universities founded for the purposes and on the principles of another which in many points are directly opposite. If a Roman Catholic clergyman, intended for celibacy and the function of confession, is not strictly bred in a seminary where these things are respected, inculcated, and enforced, as sacred, and not made the subject of derision and obloquy, he will be ill fitted for the former, and the latter will be indeed in his hands a terrible instrument.

. . . The Council of Trent has wisely introduced the discipline of seminaries, by which priests are not trusted for a clerical institution even to the severe discipline of their colleges, but, after they pass through them, are frequently, if not for the greater part,

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<sup>90</sup> Trinity College, Dublin. A sizar was a poor undergraduate who performed menial duties and was allowed free commons and some other gratuities

obliged to pass through peculiar methods, having their particular ritual function in view. It is in a great measure to this, and to similar methods used in foreign education, that the Roman Catholic clergy of Ireland, miserably provided for, living among low and ill-regulated people, without any discipline of sufficient force to secure good manners, have been prevented from becoming an intolerable nuisance to the country, instead of being, as I conceive they generally are, a very great service to it.

The ministers of Protestant churches require a different mode of education, more liberal, and more fit for the ordinary intercourse of life. That religion having little hold on the minds of people by external ceremonies and extraordinary observances, or separate habits of living, the clergy make up the deficiency by cultivating their minds with all kinds of ornamental learning; which the liberal provision made in England and Ireland for the parochial clergy (to say nothing of the ample Church preferences, with little or no duties annexed), and the comparative lightness of parochial duties, enables the greater part of them in some considerable degree to accomplish.

This learning, which I believe to be pretty general, together with a higher situation, and more chastened by the opinion of mankind, forms a sufficient security for the morals of the established clergy, and for their sustaining their clerical character with dignity. It is not necessary to observe that all these things are, however, collateral to their function, and that, except in preaching, which may be and is supplied, and often best supplied, out of printed books, little else is necessary for a Protestant minister than to be able to read the English language — I mean for the exercise of his function, not to the qualification of his admission to it. But a Popish parson in Ireland may do very well without any considerable classical erudition, or any proficiency in pure or mixed mathematics, or any knowledge of civil history. Even if the Catholic clergy should possess those acquisitions, as at first many of them do, they soon lose them in the painful course of professional and parochial duties; but they must have all the knowledge, and, what is to them more important than the knowledge, the discipline, necessary to those duties. All modes of education conducted by those whose minds are cast in another mold, as I may say, and whose original ways of thinking are formed upon the reverse pattern, must be to them not only useless, but mischievous. Just as I should suppose the education in a Popish ecclesiastical seminary would be ill fitted for a Protestant clergyman, to educate a Catholic priest in a Protestant seminary would be much worse.

The Protestant educated amongst Catholics has only something to reject; what he keeps may be useful. But a Catholic parish priest learns little for his peculiar purpose and duty in a Protestant college.

All this, my Lord, I know very well, will pass for nothing with those who wish that the Popish clergy should be illiterate, and in a situation to produce contempt and detestation. Their minds are wholly taken up with party squabbles, and I have neither leisure nor inclination to apply any part of what I have to say to those who never think of religion or of the commonwealth in any other light than as they tend to the prevalence of some faction in either. I speak on a supposition that there is a disposition *to take the state in the condition in which it is found*, and to improve it *in that state* to the best advantage. . . .

On this idea, an education fitted *to each order and division of men, such as they are found*, will be thought an affair rather to be encouraged than discountenanced. . . .

### *Opposes State Appointment of Catholic Clergy*

Before I had written thus far, I heard of a scheme of giving to the Castle<sup>21</sup> the patronage of the presiding members of the Catholic clergy. At first I could scarcely credit it; for I believe it is the first time that the presentation to other people's alms has been desired in any country. If the state provides a suitable maintenance and temporality for the governing members of the Irish Roman Catholic Church, and for the clergy under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy, out of the miserable remains of what is left after taxing and tithing, to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another. Those who have no regard for their welfare, reputation, or internal quiet will not appoint such as are proper. The seraglio of Constantinople is as equitable as we are, whether Catholics or Protestants — and where their own sect is concerned, full as religious. But the sport which they make of the miserable dignities of the Greek Church, the little factions of the harem to which they make them subservient, the continual sale to which they expose and re-expose the same dignity, and by which they squeeze all the inferior orders of the clergy, is (for I have had particular means of

<sup>21</sup> That is, to the crown.

being acquainted with it) nearly equal to all the other oppressions together exercised by Mussulmans over the unhappy members of the Oriental Church. It is a great deal to suppose that even the present Castle would nominate bishops for the Roman Church of Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it.

But suppose them to be as well inclined as I know that I am to do the Catholics all kind of justice, I declare I would not, if it were in my power, take that patronage on myself. I know I ought not to do it. . . . How can the lord-lieutenant form the least judgment of their merits, so as to discern which of the Popish priests is fit to be made a bishop? It cannot be: the idea is ridiculous. He will hand them over to lords-lieutenant of counties, justices of the peace, and other persons, who, for the purpose of vexing and turning to derision this miserable people, will pick out the worst and most obnoxious they can find amongst the clergy to set over the rest. Whoever is complained against by his brother will be considered as persecuted; whoever is censured by his superior will be looked upon as oppressed; whoever is careless in his opinions and loose in his morals will be called a liberal man, and will be supposed to have incurred hatred because he was not a bigot. Informers, tale-bearers, perverse and obstinate men, flatterers, who turn their back upon their flock and court the Protestant gentlemen of the country, will be the objects of preferment. And then I run no risk in foretelling that whatever order, quiet, and morality you have in the country will be lost. A Popish clergy who are not restrained by the most austere subordination will become a nuisance, a real public grievance of the heaviest kind, in any country that entertains them; and instead of the great benefit which Ireland does and has long derived from them, if they are educated without any idea of discipline and obedience, and then put under bishops who do not owe their station to their good opinion, and whom they cannot respect, that nation will see disorders, of which, bad as things are, it has yet no idea. I do not say this as thinking the leading men in Ireland would exercise this trust worse than others. Not at all. No man, no set of men living are fit to administer the affairs or regulate the interior economy of a church to which they are enemies.

. . . Thinking over this matter more maturely, I see no reason for altering my opinion in any part. The act, as far as it goes, is good undoubtedly. It amounts, I think, very nearly to a *toleration*, with respect to religious ceremonies; but it puts a new bolt on



civil rights, and rivets it to the old one in such a manner that neither, I fear, will be easily loosened. What I could have wished would be to see the civil advantages take the lead; the other, of a religious toleration, I conceive, would follow (in a manner) of course. From what I have observed, it is pride, arrogance, and a spirit of domination, and not a bigoted spirit of religion, that has caused and kept up those oppressive statutes. I am sure I have known those who have oppressed Papists in their civil rights exceedingly indulgent to them in their religious ceremonies, and who really wished them to continue Catholics, in order to furnish pretenses for oppression. These persons never saw a man (by converting) escape out of their power but with grudging and regret. I have known men to whom I am not uncharitable in saying (though they are dead) that they would have become Papists in order to oppress Protestants if, being Protestants, it was not in their power to oppress Papists. It is injustice, and not a mistaken conscience, that has been the principle of persecution—at least, as far as it has fallen under my observation. . . .



## V

# Administrative and Constitutional Reform

### *1. Economical Reform*

¶ THE YEARS from 1778, when France embraced the cause of American independence and reopened the historic conflict with Great Britain for maritime and colonial supremacy, to 1782, when George III was compelled to dismiss the ministry of Lord North and accept the second Rockingham government, were the most critical period in British history from the overthrow of James II to the French Revolution. Spain and Holland followed the French into war with Britain. Russia formed a league of armed neutrality composed of the states of northern Europe and pointed against Britain. Gibraltar was besieged for three years and nearly lost. British naval supremacy in the Atlantic was temporarily overthrown. Thirteen North American colonies were lost to the crown, and Ireland exacted legislative independence from the English Privy Council. The subversion of British power in India was nearly accomplished by native insurrection in political alliance with France. These imperial disasters, which led to the humiliating Peace of Paris of 1783, shook not only George III's system of personal government but the economic and political bases of the British state.

The way was opened at last for the parliamentary opposition to make effective attack on that royal extravagance whereby the King had bought, with patronage and bribery, support for his ministers in Parliament. Political agitation swept the country during the winter of 1779-80, inundating even the most weighty and conservative elements of the electorate; and popular disorders spread, culminating in the sanguinary Gordon Riots.<sup>1</sup> In nearly every county great meetings were held for the purpose of drawing up petitions in which much was said of the need for a thorough reform of Parliament. The principal conception of such

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<sup>1</sup> See above, pp. 131-2, 140-3.

reform was to purge Parliament of crown influence. More than twenty counties and several considerable cities passed resolutions and drew up petitions indicting this vice in the national representative organ. Committees and associations for pressing the issue were formed in many places. Of special force and importance were the petitions from the counties of York and Middlesex, two of the most representative constituencies in England. They called for a reduction of wasteful expenditure, of pensions and sinecures.

Burke was in full sympathy with this demand. He believed that a wise application of economy principles to the administrative arm would not only diminish the royal corruption of Parliament but strengthen the state and thus promote the survival of the British Empire. In December he gave notice in the House of Commons that after the Christmas recess he would present a plan for reducing royal expenditures. He laid it before the House on February 11, 1780, in a speech which was one of the most brilliant of all his parliamentary utterances.<sup>2</sup> Its declared purpose was "the better security of the independence of Parliament and the economical reformation of the civil and other establishments." No more penetrating analysis has ever been made of the antiquated and wasteful organization of the royal household—"the cumbersome charge of a Gothic establishment"—and of the gross corruption and inefficiency of civil administration in eighteenth-century England.<sup>3</sup> ¶

Mr. Speaker—I rise, in acquittal of my engagement to the House, in obedience to the strong and just requisition of my constituents, and, I am persuaded, in conformity to the unanimous wishes of the whole nation, to submit to the wisdom of Parliament "A Plan of Reform in the Constitution of Several Parts of the Public Economy."

I have endeavored that this plan should include, in its execution, a considerable reduction of improper expense; that it should effect a conversion of unprofitable titles into a productive estate; that it should lead to, and indeed almost compel, a provident administration of such sums of public money as must remain

<sup>2</sup> Works, II, pp. 267-364.

<sup>3</sup> The bills to implement the plan ran aground in Parliament until 1782, when George III capitulated to the opposition. Burke entered Rockingham's second government as Paymaster of the Forces and successfully sponsored the Civil Establishment Act of that year. It embodied a partial application of the principles of the 1780 speech on economical reform.

under discretionary trusts; that it should render the incurring debts on the civil establishment (which must ultimately affect national strength and national credit) so very difficult as to become next to impracticable.

But what, I confess, was uppermost with me, what I bent the whole force of my mind to, was the reduction of that corrupt influence which is itself the perennial spring of all prodigality and of all disorder; which loads us more than millions of debt; which takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.<sup>4</sup> . . .

I enter perfectly into the nature and consequences of my attempt, and I advance to it with a tremor that shakes me to the inmost fiber of my frame. I feel that I engage in a business, in itself most ungracious, totally wide of the course of prudent conduct, and, I really think, the most completely adverse that can be imagined to the natural turn and temper of my own mind. I know that all parsimony is of a quality approaching to unkindness, and that (on some person or other) every reform must operate as a sort of punishment. Indeed, the whole class of the severe and restrictive virtues are at a market almost too high for humanity. What is worse, there are very few of those virtues which are not capable of being imitated, and even outdone in many of their most striking effects, by the worst of vices. Malignity and envy will carve much more deeply, and finish much more sharply, in the work of retrenchment, than frugality and providence. I do not, therefore, wonder that gentlemen have kept away from such a task, as well from good-nature as from prudence. Private feeling might, indeed, be overborne by legislative reason; and a man of a long-sighted and a strong-nerved humanity might bring himself not so much to consider from whom he takes a superfluous enjoyment as for whom in the end he may preserve the absolute necessities of life.

But it is much more easy to reconcile this measure to humanity than to bring it to any agreement with prudence. I do not mean that little, selfish, pitiful, bastard thing which sometimes goes by the name of a family in which it is not legitimate and to which it is a disgrace. I mean even that public and enlarged prudence which, apprehensive of being disabled from rendering acceptable services to the world, withholds itself from those that are invidious. . . .

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<sup>4</sup> He had described this at length in *Thoughts on the Cause of the Present Discontents*; see above, Chapter I.

### *Why the Reform Is Necessary*

Observe, Sir, that the apology for my undertaking . . . is not grounded on my want of the fullest sense of the difficult and invidious nature of the task I undertake. I risk odium if I succeed, and contempt if I fail. My excuse must rest in mine and your conviction of the absolute, urgent *necessity* there is that something of the kind should be done. . . . It is necessary from our own political circumstances; it is necessary from the operations of the enemy; it is necessary from the demands of the people, whose desires, when they do not militate with the stable and eternal rules of justice and reason (rules which are above us and above them), ought to be as a law to a House of Commons.

As to our circumstances, I do not mean to aggravate the difficulties of them by the strength of any coloring whatsoever. On the contrary, I observe, and observe with pleasure, that our affairs rather wear a more promising aspect than they did on the opening of this session. We have had some leading successes.<sup>5</sup> But those who rate them at the highest (higher a great deal, indeed, than I dare to do) are of opinion that, upon the ground of such advantages, we cannot at this time hope to make any treaty of peace which would not be ruinous and completely disgraceful. In such an anxious state of things, if dawnings of success serve to animate our diligence, they are good; if they tend to increase our presumption, they are worse than defeats. The state of our affairs shall, then, be as promising as anyone may choose to conceive it; it is, however, but promising. We must recollect that, with but half of our natural strength,<sup>6</sup> we are at war against confederated powers who have singly threatened us with ruin; we must recollect that whilst we are left naked on one side, our other flank is uncovered by any alliance; that whilst we are weighing and balancing our successes against our losses, we are accumulating debt to the amount of at least fourteen millions in the year. That loss is certain.

I have no wish to deny that our successes are as brilliant as anyone chooses to make them; our resources, too, may, for me, be as unfathomable as they are represented. Indeed, they are just whatever the people possess and will submit to pay. Taxing is an easy business. Any projector can contrive new impositions; any bungler can add to the old. But is it altogether wise to have no

<sup>5</sup> The reference probably is to Rodney's relief of Gibraltar in January 1780

<sup>6</sup> The other half being America

other bounds to your impositions than the patience of those who are to bear them?

All I claim upon the subject of your resources is this: that they are not likely to be increased by wasting them. I think I shall be permitted to assume that a system of frugality will not lessen your riches, whatever they may be. . . .

This is all, Sir, that I shall say upon our circumstances and our resources: I mean to say a little more on the operations of the enemy, because this matter seems to me very natural in our present deliberation. When I look to the other side of the water, I cannot help recollecting what Pyrrhus said, on reconnoitring the Roman camp: "These barbarians have nothing barbarous in their discipline." When I look, as I have pretty carefully looked, into the proceedings of the French King, I am sorry to say it, I see nothing of the character and genius of arbitrary finance, none of the bold frauds of bankrupt power, none of the wild struggles and plunges of despotism in distress — no lopping off from the capital of debt, no suspension of interest, no robbery under the name of loan, no raising the value, no debasing the substance of the coin. I see neither Louis the Fourteenth nor Louis the Fifteenth. On the contrary, I behold, with astonishment, rising before me, by the very hands of arbitrary power, and in the very midst of war and confusion, a regular, methodical system of public credit; I behold a fabric laid on the natural and solid foundations of trust and confidence among men, and rising, by fair gradations, order over order, according to the just rules of symmetry and art. What a reverse of things! Principle, method, regularity, economy, frugality, justice to individuals, and care of the people are the resources with which France makes war upon Great Britain. God avert the omen! But if we should see any genius in war and politics arise in France to second what is done in the bureau! — I turn my eyes from the consequences.<sup>7</sup> . . .

To the last kind of necessity, the desires of the people, I have but a very few words to say. The ministers seem to contest this point, and affect to doubt whether the people do really desire a plan of economy in the civil government. Sir, this is too ridiculous. It is impossible that they should not desire it. It is impossible that a prodigality which draws its resources from their indigence should be pleasing to them. Little factions of pensioners, and their dependants, may talk another language. But the voice of nature is against them, and it will be heard. The people of Eng-

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<sup>7</sup> Nine years later France was bankrupt and Britain was under the careful financial administration of Pitt!

land will not, they cannot, take it kindly that representatives should refuse to their constituents what an absolute sovereign voluntarily offers to his subjects. The expression of the petitions is that, "*before any new burdens are laid upon this country, effectual measures be taken by this House to inquire into and correct the gross abuses in the expenditure of public money.*" . . .

These desires of the people of England, which come far short of the voluntary concessions of the King of France, are moderate indeed. They only contend that we should interweave some economy with the taxes with which we have chosen to begin the war. They request, not that you should rely upon economy exclusively, but that you should give it rank and precedence, in the order of the ways and means of this single session.

But if it were possible that the desires of our constituents, desires which are at once so natural and so very much tempered and subdued, should have no weight with a House of Commons which has its eye elsewhere, I would turn my eyes to the very quarter to which theirs are directed. I would reason this matter with the House on the mere policy of the question; and I would undertake to prove that an early dereliction of abuse is the direct interest of government — of government taken abstractedly from its duties, and considered merely as a system intending its own conservation.

If there is any one eminent criterion which above all the rest distinguishes a wise government from an administration weak and improvident, it is this: "well to know the best time and manner of yielding what it is impossible to keep." There have been, Sir, and there are, many who choose to chicanery with their situation rather than be instructed by it. Those gentlemen argue against every desire of reformation upon the principles of a criminal prosecution. It is enough for them to justify their adherence to a pernicious system that it is not of their contrivance — that it is an inheritance of absurdity, derived to them from their ancestors — that they can make out a long and unbroken pedigree of mismanagers that have gone before them. They are proud of the antiquity of their house; and they defend their errors as if they were defending their inheritance, afraid of derogating from their nobility, and carefully avoiding a sort of blot in their scutcheon, which they think would degrade them forever.

It was thus that the unfortunate Charles the First defended himself on the practice of the Stuart who went before him, and of all the Tudors. His partisans might have gone to the Plantagenets. They might have found bad examples enough, both

abroad and at home, that could have shown an ancient and illustrious descent. But there is a time when men will not suffer bad things because their ancestors have suffered worse.

### *Reform Should Be Timely and Temperate*

. . . I do most seriously put it to administration to consider the wisdom of a timely reform. Early reformatations are amicable arrangements with a friend in power; late reformatations are terms imposed upon a conquered enemy. Early reformatations are made in cool blood; late reformatations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill-fame; they never attempt to correct or regulate; they go to work by the shortest way: they abate the nuisance, they pull down the house.

This is my opinion with regard to the true interest of government. But as it is the interest of government that reformation should be early, it is the interest of the people that it should be temperate. It is their interest because a temperate reform is permanent, and because it has a principle of growth. Whenever we improve, it is right to leave room for a further improvement. It is right to consider, to look about us, to examine the effect of what we have done. Then we can proceed with confidence, because we can proceed with intelligence. Whereas in hot reformatations, in what men more zealous than considerate call *making clear work*, the whole is generally so crude, so harsh, so indigested, mixed with so much imprudence and so much injustice, so contrary to the whole course of human nature and human institutions, that the very people who are most eager for it are among the first to grow disgusted at what they have done. Then some part of the abdicated grievance is recalled from its exile in order to become a corrective of the correction. Then the abuse assumes all the credit and popularity of a reform. The very idea of purity and disinterestedness in politics falls into disrepute, and is considered as a vision of hot and inexperienced men; and thus disorders become incurable, not by the virulence of their own quality, but by the unapt and violent nature of the remedies. A great part, therefore, of my idea of reform is meant to operate gradually: some benefits will come at a nearer, some at a more remote period. We must no more make haste to be rich by parsimony than by intemperate acquisition.

In my opinion, it is our duty, when we have the desires of the



people before us, to pursue them, not in the spirit of literal obedience, which may militate with their very principle — much less to treat them with a peevish and contentious litigation, as if we were adverse parties in a suit. It would, Sir, be most dishonorable for a faithful representative of the Commons to take advantage of any inartificial expression of the people's wishes in order to frustrate their attainment of what they have an undoubted right to expect. We are under infinite obligations to our constituents, who have raised us to so distinguished a trust, and have imparted such a degree of sanctity to common characters. We ought to walk before them with purity, plainness, and integrity of heart — with filial love, and not with slavish fear, which is always a low and tricking thing.<sup>8</sup> For my own part, in what I have meditated upon that subject, I cannot, indeed, take upon me to say I have the honor *to follow* the sense of the people. The truth is, *I met it on the way*, while I was pursuing their interest according to my own ideas. I am happy beyond expression to find that my intentions have so far coincided with theirs that I have not had cause to be in the least scrupulous to sign their petition, conceiving it to express my own opinions, as nearly as general terms can express the object of particular arrangements.

I am therefore satisfied to act as a fair mediator between government and the people, endeavoring to form a plan which should have both an early and a temperate operation. I mean, that it should be substantial, that it should be systematic, that it should rather strike at the first cause of prodigality and corrupt influence than attempt to follow them in all their effects.

### *The Principles of Reform*

. . . I am quite clear that if we do not go to the very origin and first ruling cause of grievances, we do nothing. What does it signify to turn abuses out of one door if we are to let them in at another? What does it signify to promote economy upon a measure and to suffer it to be subverted in the principle? Our ministers are far from being wholly to blame for the present ill order which prevails. Whilst institutions directly repugnant to good management are suffered to remain, no effectual or lasting reform *can* be introduced.

I therefore thought it necessary, as soon as I conceived thoughts of submitting to you some plan of reform, to take a comprehen-

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<sup>8</sup> He had angered many of his constituents in the Irish trade issue and was to lose his Bristol seat before the year was out. See above, Chapter III, section 3, and Chapter IV, section 1.

sive view of the state of this country to make a sort of survey of its jurisdictions, its estates, and its establishments. Something in every one of them seemed to me to stand in the way of all economy in their administration, and prevented every possibility of methodizing the system. But being, as I ought to be, doubtful of myself, I was resolved not to proceed in an *arbitrary* manner in any particular which tended to change the settled state of things, or in any degree to affect the fortune or situation, the interest or the importance, of any individual. By an arbitrary proceeding I mean one conducted by the private opinions, tastes, or feelings of the man who attempts to regulate. These private measures are not standards of the exchequer, nor balances of the sanctuary. General principles cannot be debauched or corrupted by interest or caprice; and by those principles I was resolved to work.

. . . I therefore lay down to myself seven fundamental rules; they might, indeed, be reduced to two or three simple maxims, but they would be too general, and their application to the several heads of the business before us would not be so distinct and visible. I conceive, then,

*First*, That all jurisdictions which furnish more matter of expense, more temptation to oppression, or more means and instruments of corrupt influence than advantage to justice or political administration, ought to be abolished.

*Secondly*, That all public estates which are more subservient to the purposes of vexing, overawing, and influencing those who hold under them, and to the expense of perception and management, than of benefit to the revenue, ought, upon every principle both of revenue and of freedom, to be disposed of.

*Thirdly*, That all offices which bring more charge than proportional advantage to the state, that all offices which may be grafted on others, uniting and simplifying their duties, ought, in the first case, to be taken away, and, in the second, to be consolidated.

*Fourthly*, That all such offices ought to be abolished as obstruct the prospect of the general superintendent of finance, which destroy his superintendency, which disable him from foreseeing and providing for charges as they may occur, from preventing expense in its origin, checking it in its progress, or securing its application to its proper purposes. A minister under whom expenses can be made without his knowledge can never say what it is that he can spend, or what it is that he can save.

*Fifthly*, That it is proper to establish an invariable order in all payments which will prevent partiality, which will give prefer-

ence to services, not according to the importunity of the demandant, but the rank and order of their utility or their justice.

*Sixthly*, That it is right to reduce every establishment and every part of an establishment (as nearly as possible) to certainty, the life of all order and good management.

*Seventhly*, That all subordinate treasuries, as the nurseries of mismanagement, and as naturally drawing to themselves as much money as they can, keeping it as long as they can, and accounting for it as late as they can, ought to be dissolved. They have a tendency to perplex and distract the public accounts, and to excite a suspicion of government even beyond the extent of their abuse.

Under the authority and with the guidance of those principles I proceed; wishing that nothing in any establishment may be changed where I am not able to make a strong, direct, and solid application of those principles, or of some one of them. . . .

### *"Eccentricity and Confusion"*

First, with regard to the sovereign jurisdictions, I must observe, Sir, that whoever takes a view of this kingdom in a cursory manner will imagine that he beholds a solid, compacted, uniform system of monarchy, in which all inferior jurisdictions are but as rays diverging from one center. But on examining it more nearly, you find much eccentricity and confusion. It is not a *monarchy* in strictness. But, as in the Saxon times this country was a heptarchy, it is now a strange sort of *pentarchy*. It is divided into five several distinct principalities, besides the supreme. There is, indeed, this difference from the Saxon times: that, as in the itinerant exhibitions of the stage, for want of a complete company, they are obliged to throw a variety of parts on their chief performer, so our sovereign condescends himself to act not only the principal, but all the subordinate parts in the play. He condescends to dissipate the royal character, and to trifle with those light, subordinate, lacquered scepters in those hands that sustain the ball representing the world, or which wield the trident that commands the ocean. Cross a brook, and you lose the King of England; but you have some comfort in coming again under his Majesty, though "shorn of his beams," and no more than Prince of Wales. Go to the north, and you find him dwindled to a Duke of Lancaster; turn to the west of that north, and he pops upon you in the humble character of Earl of Chester. Travel a few miles on, the Earl of Chester disappears, and the king surprises you again as Count Palatine of Lancaster. If you travel beyond Mount Edgecombe, you find him once more in his incognito, and he is Duke

of Cornwall. So that, quite fatigued and satiated with this dull variety, you are infinitely refreshed when you return to the sphere of his proper splendor, and behold your amiable sovereign in his true, simple, undisguised, native character of Majesty.

In every one of these five principalities, duchies, palatinates, there is a regular establishment of considerable expense and most domineering influence. As his Majesty submits to appear in this state of subordination to himself, his loyal peers and faithful commons attend his royal transformations, and are not so nice as to refuse to nibble at those crumbs of emoluments which console their petty metamorphoses. Thus every one of those principalities has the apparatus of a kingdom for the jurisdiction over a few private estates, and the formality and charge of the Exchequer of Great Britain for collecting the rents of a country squire. Cornwall is the best of them; but when you compare the charge with the receipt, you will find that it furnishes no exception to the general rule. The Duchy and County Palatine of Lancaster do not yield, as I have reason to believe, on an average of twenty years, four thousand pounds a year clear to the crown. As to Wales, and the County Palatine of Chester, I have my doubts whether their productive exchequer yields any returns at all. Yet one may say that this revenue is more faithfully applied to its purposes than any of the rest, as it exists for the sole purpose of multiplying offices and extending influence. . . .

For what plausible reason are these principalities suffered to exist? When a government is rendered complex (which in itself is no desirable thing), it ought to be for some political end which cannot be answered otherwise. Subdivisions in government are only admissible in favor of the dignity of inferior princes and high nobility, or for the support of an aristocratic confederacy under some head, or for the conservation of the franchises of the people in some privileged province. For the two former of these ends, such are the subdivisions in favor of the electoral and other princes in the Empire;<sup>9</sup> for the latter of these purposes are the jurisdictions of the Imperial cities and the Hanse towns. For the latter of these ends are also the countries of the States (*Pays d'États*) and certain cities and orders in France. These are all regulations with an object, and some of them with a very good object. But how are the principles of any of these subdivisions applicable in the case before us?

Do they answer any purpose to the king? The Principality of Wales was given by patent to Edward the Black Prince on the

<sup>9</sup> The Holy Roman Empire.

ground on which it has since stood.<sup>10</sup> Lord Coke<sup>11</sup> sagaciously observes upon it, "That in the charter of creating the Black Prince Edward Prince of Wales there is a *great mystery*: for *less* than an estate of inheritance so *great* a prince *could* not have, and an *absolute estate of inheritance* in so *great* a principality as Wales (this principality being *so dear* to him) he *should* not have; and therefore it was made *sibi et heredibus suis regibus Angliæ*, that by his decease, or attaining to the crown, it might be extinguished in the crown."

For the sake of this foolish *mystery*, of what a great prince *could* not have *less* and *should* not have *so much*, of a principality which was too *dear* to be given and too *great* to be kept — and for no other cause that ever I could find — this form and shadow of a principality, without any substance, has been maintained. That you may judge in this instance (and it serves for the rest) of the difference between a great and a little economy, you will please to recollect, Sir, that Wales may be about the tenth part of England in size and population, and certainly not a hundredth part in opulence. Twelve judges perform the whole of the business, both of the stationary and the itinerant justice of this kingdom;<sup>12</sup> but for Wales there are eight judges. There is in Wales an exchequer, as well as in all the duchies, according to the very best and most authentic absurdity of form. There are in all of them a hundred more difficult trifles and laborious fooleries, which serve no other purpose than to keep alive corrupt hope and servile dependence.

These principalities are so far from contributing to the ease of the king, to his wealth, or his dignity, that they render both his supreme and his subordinate authority perfectly ridiculous. It was but the other day that that pert, factious fellow, the Duke of Lancaster, presumed to fly in the face of his liege lord, our gracious sovereign, and, *associating* with a parcel of lawyers as factious as himself, to the destruction of *all law and order*, and *in committees leading directly to rebellion*, presumed to go to law with the king. The object is neither your business nor mine. Which of the parties got the better I really forget. I think it was (as it ought to be) the king. The material point is that the suit cost about fifteen thousand pounds. But as the Duke of Lancaster is but a sort of

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<sup>10</sup> Edward III (1327-77) to his son, the "Black Prince" (1340-76).

<sup>11</sup> Sir Edward Coke (1552-1634), commonly called Lord Coke — one of England's greatest chief justices.

<sup>12</sup> The courts of the King's Bench, of Common Pleas, and of the Exchequer, each with four judges.

*Duke Humphrey*, and not worth a groat, our sovereign was obliged to pay the costs of both. Indeed, this art of converting a great monarch into a little prince, this royal masquerading, is a very dangerous and expensive amusement, and one of the king's *menus plaisirs*, which ought to be reformed. This duchy, which is not worth four thousand pounds a year at best to *revenue*, is worth forty or fifty thousand to *influence*.

. . . In what manner is the dignity of the nobility concerned in these principalities? What rights have the subject there which they have not at least equally in every other part of the nation? These distinctions exist for no good end to the king, to the nobility, or to the people. They ought not to exist at all. If the crown (contrary to its nature, but most conformably to the whole tenor of the advice that has been lately given) should so far forget its dignity as to contend that these jurisdictions and revenues are estates of private property, I am rather for acting as if that groundless claim were of some weight than for giving up that essential part of the reform. I would value the clear income, and give a clear annuity to the crown, taken on the medium produce for twenty years. . . . I propose, therefore, to unite all the five principalities to the crown, and to its ordinary jurisdiction; to abolish all those offices that produce a useless and chargeable separation from the body of the people; to compensate those who do not hold their offices (if any such there are) at the pleasure of the crown; to extinguish vexatious titles by an act of short limitation; to sell those unprofitable estates which support useless jurisdictions; and to turn the tenant-right into a fee, on such moderate terms as will be better for the state than its present right, and which it is impossible for any rational tenant to refuse. . . .

Sir, the House will now see whether, in praying for judgment against the minor principalities, I do not act in conformity to the laws that I had laid to myself: of getting rid of every jurisdiction more subservient to oppression and expense than to any end of justice or honest policy; of abolishing offices more expensive than useful; of combining duties improperly separated; of changing revenues more vexatious than productive into ready money; of suppressing offices which stand in the way of economy; and of cutting off lurking subordinate treasuries. Dispute the rules, controvert the application, or give your hands to this salutary measure.

: Most of the same rules will be found applicable to my second object—the *landed estate of the crown*. A landed estate is certainly the very worst which the crown can possess. All minute

and dispersed possessions, possessions that are often of indeterminate value, and which require a continued personal attendance, are of a nature more proper for private management than public administration. They are fitter for the care of a frugal land-steward than of an office in the state. Whatever they may possibly have been in other times or in other countries, they are not of magnitude enough with us to occupy a public department, nor to provide for a public object. They are already given up to Parliament, and the gift is not of great value.<sup>13</sup> Common prudence dictates, even in the management of private affairs, that all dispersed and chargeable estates should be sacrificed to the relief of estates more compact and better circumstanced.

If it be objected that these lands at present would sell at a low market, this is answered by showing that money is at a high price. The one balances the other. Lands sell at the current rate; and nothing can sell for more. But be the price what it may, a great object is always answered whenever any property is transferred from hands that are not fit for that property to those that are. The buyer and seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the Exchequer. . . .

### *Feudalism and the Royal Household*

I come next to the great supreme body of the civil government itself. I approach it with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent. Disorders, Sir, and infirmities there are — such disorders that all attempts towards method, prudence, and frugality will be perfectly vain whilst a system of confusion remains which is not only alien, but adverse to all economy; a system which is not only prodigal in its very essence, but causes everything else which belongs to it to be prodigally conducted.

It is impossible, Sir, for any person to be an economist where no order in payments is established; it is impossible for a man to be an economist who is not able to take a comparative view of his means and of his expenses for the year which lies before him; it is impossible for a man to be an economist under whom various officers in their several departments may spend — even just what they please — and often with an emulation of expense, as contrib-

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<sup>13</sup> On the accession of George III the crown surrendered the management and revenues of all royal domain lands in return for an augmented civil list of a fixed amount.

uting to the importance, if not profit, of their several departments. Thus much is certain. that neither the present nor any other First Lord of the Treasury has been ever able to take a survey, or to make even a tolerable guess, of the expenses of government for any one year, so as to enable him with the least degree of certainty, or even probability, to bring his affairs within compass. Whatever scheme may be formed upon them must be made on a calculation of chances. As things are circumstanced, the First Lord of the Treasury cannot make an estimate. . . .

Coming upon this ground of the civil list,<sup>14</sup> the first thing in dignity and charge that attracts our notice is the *royal household*. This establishment, in my opinion, is exceedingly abusive in its constitution. It is formed upon manners and customs that have long since expired. In the first place, it is formed, in many respects, upon *feudal principles*. In the feudal times it was not uncommon, even among subjects, for the lowest offices to be held by considerable persons — persons as unfit by their incapacity as improper from their rank to occupy such employments. They were held by patent, sometimes for life, and sometimes by inheritance. If my memory does not deceive me, a person of no slight consideration held the office of patent hereditary cook to an Earl of Warwick; the Earl of Warwick's soups, I fear, were not the better for the dignity of his kitchen. I think it was an Earl of Gloucester who officiated as steward of the household to the Archbishops of Canterbury. Instances of the same kind may in some degree be found in the Northumberland house-book, and other family records. There was some reason in ancient necessities for these ancient customs. Protection was wanted; and the domestic tie, though not the highest, was the closest.

The king's household has not only several strong traces of this *feudality*, but it is formed also upon the principles of a *body corporate*: it has its own magistrates, courts, and by-laws. This might be necessary in the ancient times, in order to have a government within itself, capable of regulating the vast and often unruly multitude which composed and attended it. This was the origin of the ancient court called the *Green Cloth*,<sup>15</sup> composed of the mar-

<sup>14</sup> The sum given annually to the king for maintaining his household and the establishments of civil government. Parliament lacked effective powers of inquiry into and control over these disbursements. The kings habitually accumulated debts on the civil list and from time to time asked Parliament for sums to settle these arrears. In 1769 and 1777 George III applied for this relief.

<sup>15</sup> Called also the Board of the Green Cloth. Dating from Henry VIII's reign, it controlled various matters of expenditure, and exercised



shal, treasurer, and other great officers of the household, with certain clerks. The rich subjects of the kingdom, who had formerly the same establishments (only on a reduced scale), have since altered their economy and turned the course of their expense from the maintenance of vast establishments within their walls to the employment of a great variety of independent trades abroad. Their influence is lessened; but a mode of accommodation and a style of splendor suited to the manners of the times has been increased. Royalty itself has insensibly followed, and the royal household has been carried away by the resistless tide of manners, but with this very material difference: private men have got rid of the establishments along with the reasons of them; whereas the royal household has lost all that was stately and venerable in the antique manners, without retrenching anything of the cumbersome charge of a Gothic establishment. It is shrunk into the polished littleness of modern elegance and personal accommodation; it has evaporated from the gross concrete into an essence and rectified spirit of expense, where you have tuns of ancient pomp in a vial of modern luxury.

But when the reason of old establishments is gone, it is absurd to preserve nothing but the burden of them. This is superstitiously to embalm a carcass not worth an ounce of the gums that are used to preserve it. It is to burn precious oils in the tomb; it is to offer meat and drink to the dead: not so much an honor to the deceased as a disgrace to the survivors. Our palaces are vast inhospitable halls. There the bleak winds, there "Boreas, and Eurus, and Caurus, and Argestes loud," howling through the vacant lobbies, and clattering the doors of deserted guard-rooms, appall the imagination, and conjure up the grim specters of departed tyrants — the Saxon, the Norman, and the Dane — the stern Edwards and fierce Henrys — who stalk from desolation to desolation, through the dreary vacuity and melancholy succession of chill and comfortless chambers. When this tumult subsides, a dead and still more frightful silence would reign in this desert if every now and then the tacking of hammers did not announce that those constant attendants upon all courts in all ages, jobs, were still alive — for whose sake alone it is that any trace of ancient grandeur is suffered to remain. These palaces are a true emblem of some governments: the inhabitants are decayed, but the governors and magistrates still flourish. . . .

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legal and judicial authority within royal palaces. The name derived from the green-covered table at which its business was originally transacted.

These old establishments were formed also on a third principle, still more adverse to the living economy of the age. They were formed, Sir, on the principle of *purveyance* and *receipt in kind*. In former days, when the household was vast, and the supply scanty and precarious, the royal purveyors, sallying forth from under the Gothic portcullis to purchase provision with power and prerogative instead of money, brought home the plunder of a hundred markets, and all that could be seized from a flying and hiding country, and deposited their spoil in a hundred caverns, with each its keeper. There every commodity, received in its rawest condition, went through all the process which fitted it for use. This inconvenient receipt produced an economy suited only to itself. It multiplied offices beyond all measure—buttery, pantry, and all that rabble of places, which, though profitable to the holders, and expensive to the state, are almost too mean to mention . . .

I do not say, Sir, that all these establishments whose principle is gone have been systematically kept up for influence solely; neglect had its share. But this I am sure of, that a consideration of influence has hindered anyone from attempting to pull them down. For the purposes of influence, and for those purposes only, are retained half at least of the household establishments. No revenue, no, not a royal revenue, can exist under the accumulated charge of ancient establishment, modern luxury, and Parliamentary political corruption.

### *Economy by Detail or by Principle*

If, therefore, we aim at regulating this household, the question will be whether we ought to economize by *detail* or by *principle*. The example we have had of the success of an attempt to economize by detail, and under establishments adverse to the attempt, may tend to decide this question.

At the beginning of his Majesty's reign, Lord Talbot came to the administration of a great department in the household.<sup>16</sup> I believe no man ever entered into his Majesty's service, or into the service of any prince, with a more clear integrity, or with more zeal and affection for the interest of his master, and, I must add, with abilities for a still higher service. Economy was then announced as a maxim of the reign. This noble lord, therefore, made several attempts towards a reform. In the year 1777, when the king's civil list debts came last to be paid, he explained very fully the success of his undertaking. He told the House of Lords

<sup>16</sup> Office of the lord steward

that he had attempted to reduce the charges of the king's tables and his kitchen. The thing, Sir, was not below him .

In consequence of this noble lord's resolution (as he told the other House), he reduced several tables, and put the persons entitled to them upon board wages, much to their own satisfaction. But, unluckily, subsequent duties requiring constant attendance, it was not possible to prevent their being fed where they were employed: and thus this first step towards economy doubled the expense.

There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person whilst another enjoys the emoluments, that he found himself frustrated in all his designs. On that rock his whole adventure split, his whole scheme of economy was dashed to pieces. His department became more expensive than ever; the civil list debt accumulated. Why? It was truly from a cause which, though perfectly adequate to the effect, one would not have instantly guessed. It was because *the turnspit in the king's kitchen was a member of Parliament!* The king's domestic servants were all undone, his tradesmen remained unpaid and became bankrupt — *because the turnspit of the king's kitchen was a member of Parliament.* His Majesty's slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken — *because the king's turnspit was a member of Parliament.* The judges were unpaid, the justice of the kingdom bent and gave way, the foreign ministers remained inactive and unprovided, the system of Europe was dissolved, the chain of our alliances was broken, all the wheels of government at home and abroad were stopped — *because the king's turnspit was a member of Parliament.*

Such, Sir, was the situation of affairs, and such the cause of that situation, when his Majesty came a second time to Parliament to desire the payment of those debts which the employment of its members in various offices, visible and invisible, had occasioned. I believe that a like fate will attend every attempt at economy by detail, under similar circumstances, and in every department. A complex, operose office of account and control is, in itself, and even if members of Parliament had nothing to do with it, the most prodigal of all things. The most audacious robberies or the most subtle frauds would never venture upon such a waste as an over-careful detailed guard against them will infallibly pro-

duce. In our establishments we frequently see an office of account of a hundred pounds a year expense, and another office of an equal expense to control that office, and the whole upon a matter that is not worth twenty shillings.

To avoid, therefore, this minute care, which produces the consequences of the most extensive neglect, and to oblige members of Parliament to attend to public cares, and not to the servile offices of domestic management, I propose, Sir, to *economize by principle*: that is, I propose to put affairs into that train which experience points out as the most effectual, from the nature of things, and from the constitution of the human mind. . . .

### *The Economy of the Royal Household*

To avoid frittering and crumbling down the attention by a blind, unsystematic observance of every trifle, it has ever been found the best way to do all things which are great in the total amount and minute in the component parts by a *general contract*. The principles of trade have so pervaded every species of dealing, from the highest to the lowest objects, all transactions are got so much into system, that we may, at a moment's warning, and to a farthing value, be informed at what rate any service may be supplied. No dealing is exempt from the possibility of fraud. But by a contract on a matter certain you have this advantage: you are sure to know the utmost *extent* of the fraud to which you are subject. By a contract with a person in *his own trade* you are sure you shall not suffer by *want of skill*. By a *short* contract you are sure of making it the *interest* of the contractor to exert that skill for the satisfaction of his employers. . . .

I therefore propose that the king's tables (to whatever number of tables, or covers to each, he shall think proper to command) should be classed by the steward of the household, and should be contracted for, according to their rank, by the head or cover; that the estimate and circumstance of the contract should be carried to the Treasury to be approved; and that its faithful and satisfactory performance should be reported there previous to any payment; that there, and there only, should the payment be made. I propose that men should be contracted with only in their proper trade; and that no member of Parliament should be capable of such contract. By this plan, almost all the infinite offices under the lord steward may be spared—to the extreme simplification, and to the far better execution, of every one of his functions. . . .

The same clew of principle leads us through the labyrinth of the other departments. What, Sir, is there in the office of *the great*

*wardrobe* (which has the care of the king's furniture) that may not be executed by the lord chamberlain himself? . . . Why should not he deal also by contract for all things belonging to this office, and carry his estimates first, and his report of the execution in its proper time, for payment, directly to the Board of Treasury itself? By a simple operation (containing in it a treble control) the expenses of a department which for naked walls, or walls hung with cobwebs, has in a few years cost the crown 150,000*l.* may at length hope for regulation. But, Sir, the office and its business are at variance. As it stands, it serves, not to furnish the palace with its hangings, but the Parliament with its dependent members.

To what end, Sir, does the office of *removing wardrobe* serve at all? Why should a *jewel office* exist for the sole purpose of taxing the king's gifts of plate? Its object falls naturally within the chamberlain's province, and ought to be under his care and inspection without any fee. . . .

All these encumbrances, which are themselves nuisances, produce other encumbrances and other nuisances. For the payment of these useless establishments there are no less than *three useless treasurers*: two to hold a purse, and one to play with a stick. The treasurer of the household is a mere name. The cofferer and the treasurer of the chamber receive and pay great sums, which it is not at all necessary *they* should either receive or pay. All the proper officers, servants, and tradesmen may be enrolled in their several departments, and paid in proper classes and times with great simplicity and order, at the Exchequer, and by direction from the Treasury.

The *Board of Works*, which in the seven years preceding 1777 has cost towards 400,000*l.*, and (if I recollect rightly) has not cost less in proportion from the beginning of the reign, is under the very same description of all the other ill-contrived establishments, and calls for the very same reform. We are to seek for the visible signs of all this expense. For all this expense, we do not see a building of the size and importance of a pigeon-house. . . . The good works of that Board of Works are as carefully concealed as other good works ought to be: they are perfectly invisible. But though it is the perfection of charity to be concealed, it is, Sir, the property and glory of magnificence to appear and stand forward to the eye.

That board, which ought to be a concern of builders and such like, and of none else, is turned into a junto of members of Parliament. That office, too, has a treasury and a paymaster of its

own; and lest the arduous affairs of that important exchequer should be too fatiguing, that paymaster has a deputy to partake his profits and relieve his cares. I do not believe that, either now or in former times, the chief managers of that board have made any profit of its abuse. It is, however, no good reason that an abusive establishment should subsist because it is of as little private as of public advantage. But this establishment has the grand radical fault, the original sin, that pervades and perverts all our establishments: the apparatus is not fitted to the object, nor the workmen to the work. Expenses are incurred on the private opinion of an inferior establishment, without consulting the principal, who can alone determine the proportion which it ought to bear to the other establishments of the state, in the order of their relative importance.

I propose, therefore, along with the rest, to pull down this whole ill-contrived scaffolding, which obstructs, rather than forwards, our public works; to take away its treasury; to put the whole into the hands of a real builder, who shall not be a member of Parliament; and to oblige him, by a previous estimate and final payment, to appear twice at the Treasury before the public can be loaded. The king's gardens are to come under a similar regulation.

### *The Mint and the Artillery*

The *Mint*, though not a department of the household, has the same vices. It is a great expense to the nation, chiefly for the sake of members of Parliament. It has its officers of parade and dignity. It has its treasury, too. It is a sort of corporate body, and formerly was a body of great importance — as much so, on the then scale of things, and the then order of business, as the Bank <sup>17</sup> is at this day. It was the great center of money transactions and remittances for our own and for other nations, until King Charles the First, among other arbitrary projects dictated by despotic necessity, made it withhold the money that lay there for remittance. That blow (and happily, too) the Mint never recovered. Now it is no bank, no remittance-shop. The Mint, Sir, is a *manufacture*, and it is nothing else; and it ought to be undertaken upon the principles of a manufacture; that is, for the best and cheapest execution, by a contract upon proper securities and under proper regulations.

The *artillery* is a far greater object; it is a military concern; but having an affinity and kindred in its defects with the establishments I am now speaking of, I think it best to speak of it along

<sup>17</sup> The Bank of England, founded in 1694.

with them. It is, I conceive, an establishment not well suited to its martial, though exceedingly well calculated for its Parliamentary purposes.<sup>18</sup> Here there is a treasury, as in all the other inferior departments of government. Here the military is subordinate to the civil, and the naval confounded with the land service. The object, indeed, is much the same in both. But when the detail is examined, it will be found that they had better be separated. For a reform of this office, I propose to restore things to what (all considerations taken together) is their natural order: to restore them to their just proportion, and to their just distribution. I propose, in this military concern, to render the civil subordinate to the military; and this will annihilate the greatest part of the expense, and all the influence belonging to the office. I propose to send the military branch to the army, and the naval to the Admiralty; and I intend to perfect and accomplish the whole detail (where it becomes too minute and complicated for legislature, and requires exact, official, military, and mechanical knowledge) by a commission of competent officers in both departments. I propose to execute by contract what by contract can be executed, and to bring, as much as possible, all estimates to be previously approved and finally to be paid by the Treasury.

Thus, by following the course of nature, and not the purposes of politics, or the accumulated patchwork of occasional accommodation, this vast, expensive department may be methodized, its service proportioned to its necessities, and its payments subjected to the inspection of the superior minister of finance, who is to judge of it on the result of the total collective exigencies of the state . . .

By these regulations taken together, besides the three subordinate treasuries in the lesser principalities, five other subordinate treasuries are suppressed. There is taken away the whole *establishment of detail* in the household: the *treasurer*; the *comptroller* (for a comptroller is hardly necessary where there is no treasurer); the *coffeier of the household*; the *treasurer of the chamber*, the *master of the household*; the whole *board of green cloth* — and a vast number of subordinate offices in the department of the *steward of the household* — the whole establishment of the *great wardrobe* — the *removing wardrobe* — the *jewel office* — the *robes* — the *Board of Works* — almost the whole charge of the *civil branch* of the *Board of Ordnance*, are taken away. All these

<sup>18</sup> Reference is to the Ordnance Board, controlled by the Master General of Ordnance, who in the eighteenth century was chief adviser to the government in all military affairs.

arrangements together will be found to relieve the nation from a vast weight of influence, without distressing, but rather by forwarding every public service. When something of this kind is done, then the public may begin to breathe. . .

It is, Sir, because I wish to keep this business of subordinate treasuries as much as I can together that I brought the *ordnance office* before you, though it is properly a military department. For the same reason I will now trouble you with my thoughts and propositions upon two of the greatest *under-treasuries*: I mean the office of *paymaster of the land forces*, or *treasurer of the army*, and that of the *treasurer of the navy*. . .

### *The Great Under-Treasuries*

Sir, the profits of the *pay office* (as an office) are not too great, in my opinion, for its duties, and for the rank of the person who has generally held it.<sup>19</sup> He has been generally a person of the highest rank—that is to say, a person of eminence and consideration in this House. The great and the invidious profits of the *pay office* are from the *bank* that is held in it. According to the present course of the office, and according to the present mode of accounting there, this bank must necessarily exist somewhere. Money is a productive thing; and when the usual time of its demand can be tolerably calculated, it may with prudence be safely laid out to the profit of the holder. It is on this calculation that the business of banking proceeds. But no profit can be derived from the use of money which does not make it the interest of the holder to delay his account. The process of the Exchequer colludes with this interest. Is this collusion from its want of rigor and strictness and great regularity of form? The reverse is true. They have in the Exchequer brought rigor and formalism to their ultimate perfection. The process against accountants is so rigorous, and in a manner so unjust, that correctives must from time to time be applied to it. These correctives being discretionary, upon the case, and generally remitted by the Barons to the Lords of the Treasury, as the best judges of the reasons for respite, hearings are had, delays are produced, and thus the extreme of rigor in office (as usual in all human affairs) leads to the extreme of laxity. What with the interested delay of the officer, the ill-conceived exactness of the court, the applications for dispensations

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<sup>19</sup> When Burke held this office under the second Rockingham administration in 1782, he fixed a definite salary for the office and diverted the enormous profits, previously pocketed by the paymaster, to the Treasury.



from that exactness, the revival of rigorous process after the expiration of the time, and the new rigors producing new applications and new enlargements of time, such delays happen in the public accounts that they can scarcely ever be closed. . . .

As the extent of our wars has scattered the accountants under the paymaster into every part of the globe, the grand and sure paymaster, Death, in all his shapes, calls these accountants to another reckoning. Death, indeed, domineers over everything but the forms of the Exchequer. Over these he has no power. They are impassive and immortal. The audit of the Exchequer, more severe than the audit to which the accountants are gone, demands proofs which in the nature of things are difficult, sometimes impossible, to be had. In this respect, too, rigor, as usual, defeats itself. Then the Exchequer never gives a particular receipt, or clears a man of his account as far as it goes. A final acquittance (or a *quietus*, as they term it) is scarcely ever to be obtained. Terrors and ghosts of unlaid accountants haunt the houses of their children from generation to generation. Families, in the course of succession, fall into minorities; the inheritance comes into the hands of females; and very perplexed affairs are often delivered over into the hands of negligent guardians and faithless stewards. So that the demand remains when the advantage of the money is gone—if ever any advantage at all has been made of it. This is a cause of infinite distress to families, and becomes a source of influence to an extent that can scarcely be imagined, but by those who have taken some pains to trace it. . . .

As things stand, can you in justice (except perhaps in that over-perfect kind of justice which has obtained by its merits the title of the opposite vice) insist that any man should, by the course of his office, keep a *bank* from whence he is to derive no advantage? that a man should be subject to demands below and be in a manner refused an acquittance above, that he should transmit an original sin and inheritance of vexation to his posterity, without a power of compensating himself in some way or other for so perilous a situation? We know that if the paymaster should deny himself the advantages of his bank, the public, as things stand, is not the richer for it by a single shilling. This I thought it necessary to say as to the offensive magnitude of the profits of this office, that we may proceed in reformation on the principles of reason, and not on the feelings of envy.

The treasurer of the navy is, *mutatis mutandis*, in the same circumstances. Indeed, all accountants are. Instead of the present

mode, which is troublesome to the officer and unprofitable to the public, I propose to substitute something more effectual than rigor, which is the worst exactor in the world. I mean to remove the very temptations to delay; to facilitate the account; and to transfer this bank, now of private emolument, to the public. The crown will suffer no wrong at least from the pay offices; and its terrors will no longer reign over the families of those who hold or have held them. I propose that these offices should be no longer *banks* or *treasuries*, but mere *offices of administration*. I propose, first, that the present paymaster and the treasurer of the navy should carry into the Exchequer the whole body of the vouchers for what they have paid over to deputy paymasters, to regimental agents, or to any of those to whom they have and ought to have paid money. I propose that those vouchers shall be admitted as actual payments in their accounts, and that the persons to whom the money has been paid shall then stand charged in the Exchequer in their place. After this process they shall be debited or charged for nothing but the money-balance that remains in their hands.

I am conscious, Sir, that if this balance (which they could not expect to be so suddenly demanded by any usual process of the Exchequer) should now be exacted all at once, not only their ruin, but a ruin of others to an extent which I do not like to think of, but which I can well conceive, and which you may well conceive, might be the consequence. I told you, Sir, when I promised before the holidays to bring in this plan, that I never would suffer any man or description of men to suffer from errors that naturally have grown out of the abusive constitution of those offices which I propose to regulate. If I cannot reform with equity, I will not reform at all.

For the regulation of past accounts, I shall therefore propose such a mode as men, temperate and prudent, make use of in the management of their private affairs, when their accounts are various, perplexed, and of long standing. . . .

In proportion, however, as I am tender of the past, I would be provident of the future. All money that was formerly imprested to the two great *pay offices* I would have imprested in future to the *Bank of England*. These offices should in future receive no more than cash sufficient for small payments. Their other payments ought to be made by drafts on the Bank, expressing the service. A check account from both offices, of drafts and receipts, should be annually made up in the Exchequer — charging

the Bank in account with the cash balance, but not demanding the payment until there is an order from the Treasury, in consequence of a vote of Parliament.

As I did not, Sir, deny to the paymaster the natural profits of the bank that was in his hands, so neither would I to the Bank of England. A share of that profit might be derived to the public in various ways. My favorite mode is this: that, in compensation for the use of this money, the bank may take upon themselves, first, *the charge of the Mint*, to which they are already, by their charter, obliged to bring in a great deal of bullion annually to be coined. In the next place, I mean that they should take upon themselves the charge of *remittances to our troops abroad*. This is a species of dealing from which, by the same charter, they are not debarred. One and a quarter per cent will be saved instantly thereby to the public on very large sums of money. This will be at once a matter of economy and a considerable reduction of influence, by taking away a private contract of an expensive nature. . . .

### *The Question of Pensions*

These, Sir, are the outlines of the plan I mean to follow, in suppressing these two large subordinate treasuries. I now come to another subordinate treasury — I mean that of the *paymaster of the pensions*, for which purpose I re-enter the limits of the civil establishment. I departed from those limits in pursuit of a principle; and, following the same game in its doubles, I am brought into those limits again. That treasury and that office I mean to take away, and to transfer the payment of every name, mode, and denomination of pensions to the Exchequer. The present course of diversifying the same object can answer no good purpose, whatever its use may be to purposes of another kind. There are also other lists of pensions; and I mean that they should all be hereafter paid at one and the same place. The whole of the new consolidated list I mean to reduce to 60,000*l.* a year, which sum I intend it shall never exceed. I think that sum will fully answer as a reward to all real merit and a provision for all real public charity that is ever like to be placed upon the list. If any merit of an extraordinary nature should emerge before that reduction is completed, I have left it open for an address of either House of Parliament to provide for the case. To all other demands it must be answered, with regret, but with firmness, "The public is poor."

I do not propose, as I told you before Christmas, to take away any pension. I know that the public seem to call for a reduction

of such of them as shall appear unmerited. As a censorial act, and punishment of an abuse, it might answer some purpose. But this can make no part of *my* plan. I mean to proceed by bill; and I cannot stop for such an inquiry. The process in any way will be entangled and difficult, and it will be infinitely slow: there is a danger that if we turn our line of march, now directed towards the grand object, into this more laborious than useful detail of operations, we shall never arrive at our end.

The king, Sir, has been by the constitution appointed sole judge of the merit for which a pension is to be given. We have a right, undoubtedly, to canvass this, as we have to canvass every act of government. But there is a material difference between an office to be reformed and a pension taken way for demerit. In the former case, no charge is implied against the holder; in the latter, his character is slurred, as well as his lawful emolument affected. The former process is against the thing; the second, against the person. The pensioner certainly, if he pleases, has a right to stand on his own defense, to plead his possession, and to bottom his title in the competency of the crown to give him what he holds. Possessed and on the defensive as he is, he will not be obliged to prove his special merit in order to justify the act of legal discretion, now turned into his property, according to his tenure. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so, from the natural force of all legal presumption, he would put us to the difficult proof that he has no merit at all. But other questions would arise in the course of such an inquiry; that is, questions of the merit when weighed against the proportion of the reward; then the difficulty will be much greater.

. . . But what presses me most of all is this: that, though we should strike off all the unmerited pensions, while the power of the crown remains unlimited, the very same undeserving persons might afterwards return to the very same list; or, if they did not, other persons, meriting as little as they do, might be put upon it to an undefinable amount. This, I think, is the pinch of the grievance.

For these reasons, Sir, I am obliged to waive this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims that when I know of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary nature, is liable to a very great perversion from those purposes, *I would limit the quantity of the power that might be so abused.* For I am sure that in all such

cases the rewards of merit will have very narrow bounds, and that partial or corrupt favor will be infinite. This principle is not arbitrary, but the limitation of the specific quantity must be so in some measure. I therefore state 60,000*l.*, leaving it open to the House to enlarge or contract the sum as they shall see, on examination, that the discretion I use is scanty or liberal. The whole amount of the pensions of all denominations which have been laid before us amount, for a period of seven years, to considerably more than 100,000*l.* a year. To what the other lists amount I know not. That will be seen hereafter. But from those that do appear, a saving will accrue to the public, at one time or other, of 40,000*l.* a year; and we had better, in my opinion, to let it fall in naturally than to tear it crude and unripe from the stalk.

There is a great deal of uneasiness among the people upon an article which I must class under the head of pensions: I mean the *great patent offices in the Exchequer*. They are in reality and substance no other than pensions, and in no other light shall I consider them. They are sinecures; they are always executed by deputy; the duty of the principal is as nothing. They differ, however, from the pensions on the list in some particulars. They are held for life. I think, with the public, that the profits of those places are grown enormous; the magnitude of those profits, and the nature of them, both call for reformation. The nature of their profits, which grow out of the public distress, is itself invidious and grievous. But I fear that reform cannot be immediate. I find myself under a restriction. These places, and others of the same kind, which are held for life, have been considered as property. They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors. What the law respects shall be sacred to me. If the barriers of law should be broken down, upon ideas of convenience, even of public convenience, we shall have no longer anything certain among us. If the discretion of power is once let loose upon property, we can be at no loss to determine whose power and what discretion it is that will prevail at last. It would be wise to attend upon the order of things, and not to attempt to outrun the slow, but smooth and even course of nature. There are occasions, I admit, of public necessity, so vast, so clear, so evident, that they supersede all laws. Law, being only made for the benefit of the community, cannot in any one of its parts resist a demand which may comprehend the total of the public interest. To be sure, no law can set itself up against the cause and reason of all law; but such a case very rarely happens, and this most cer-

tainly is not such a case. The mere time of the reform is by no means worth the sacrifice of a principle of law. Individuals pass like shadows; but the commonwealth is fixed and stable. The difference, therefore, of today and tomorrow, which to private people is immense, to the state is nothing. At any rate, it is better, if possible, to reconcile our economy with our laws than to set them at variance—a quarrel which in the end must be destructive to both.

My idea, therefore, is to reduce those offices to fixed salaries, as the present lives and reversions shall successively fall. . . .

I know, too, that it will be demanded of me how it comes that, since I admit these offices to be no better than pensions, I chose, after the principle of law had been satisfied, to retain them at all. To this, Sir, I answer that, conceiving it to be a fundamental part of the constitution of this country, and of the reason of state in every country, that there must be means of rewarding public service, those means will be incomplete, and indeed wholly insufficient for that purpose, if there should be no further reward for that service than the daily wages it receives during the pleasure of the crown.

. . . The crown, which has in its hands the trust of the daily pay for national service, ought to have in its hands also the means for the repose of public labor and the fixed settlement of acknowledged merit. There is a time when the weather-beaten vessels of the state ought to come into harbor. They must at length have a retreat from the malice of rivals, from the perfidy of political friends, and the inconstancy of the people. Many of the persons who in all times have filled the great offices of state have been younger brothers, who had originally little, if any fortune. These offices do not furnish the means of amassing wealth. There ought to be some power in the crown of granting pensions out of the reach of its own caprices. An entail of dependence is a bad reward of merit.

I would therefore leave to the crown the possibility of conferring some favors, which, whilst they are received as a reward, do not operate as corruption. When men receive obligations from the crown, through the pious hands of fathers, or of connections as venerable as the paternal, the dependences which arise from thence are the obligations of gratitude, and not the fetters of servility. Such ties originate in virtue, and they promote it. They continue men in those habitudes of friendship, those political connections, and those political principles, in which they began life. They are antidotes against a corrupt levity, instead of causes of it.

What an unseemly spectacle would it afford, what a disgrace would it be to the commonwealth that suffered such things, to see the hopeful son of a meritorious minister begging his bread at the door of that Treasury from whence his father dispensed the economy of an empire, and promoted the happiness and glory of his country! Why should he be obliged to prostrate his honor and to submit his principles at the levee of some proud favorite, shouldered and thrust aside by every impudent pretender on the very spot where a few days before he saw himself adored — obliged to cringe to the author of the calamities of his house, and to kiss the hands that are red with his father's blood? — No, Sir, these things are unfit — they are intolerable.

Sir, I shall be asked why I do not choose to destroy those offices which are pensions, and appoint pensions under the direct title in their stead. I allow that in some cases it leads to abuse to have things appointed for one purpose and applied to another. I have no great objection to such a change; but I do not think it quite prudent for me to propose it. If I should take away the present establishment, the burden of proof rests upon me that so many pensions, and no more, and to such an amount each, and no more, are necessary for the public service. This is what I can never prove; for it is a thing incapable of definition. I do not like to take away an object that I think answers my purpose, in hopes of getting it back again in a better shape. People will bear an old establishment, when its excess is corrected, who will revolt at a new one. I do not think these office-pensions to be more in number than sufficient; but on that point the House will exercise its discretion. As to abuse, I am convinced that very few trusts in the ordinary course of administration have admitted less abuse than this. . . .

### *The Limits of Prudent Reform*

Sir, I think myself bound to give you my reasons as clearly and as fully for stopping in the course of reformation as for proceeding in it. My limits are the rules of law, the rules of policy, and the service of the state. This is the reason why I am not able to intermeddle with another article, which seems to be a specific object in several of the petitions: I mean the reduction of exorbitant emoluments to efficient offices. If I knew of any real efficient office which did possess exorbitant emoluments, I should be extremely desirous of reducing them. Others may know of them; I do not. I am not possessed of an exact common measure between real service and its reward. I am very sure that states do

sometimes receive services which is hardly in their power to reward according to their worth. If I were to give my judgment with regard to this country, I do not think the great efficient offices of the state to be overpaid. The service of the public is a thing which cannot be put to auction and struck down to those who will agree to execute it the cheapest. When the proportion between reward and service is our object, we must always consider of what nature the service is, and what sort of men they are that must perform it. What is just payment for one kind of labor, and full encouragement for one kind of talents, is fraud and discouragement to others. Many of the great offices have much duty to do, and much expense of representation to maintain. A Secretary of State, for instance, must not appear sordid in the eyes of the ministers of other nations; neither ought our ministers abroad to appear contemptible in the courts where they reside. In all offices of duty, there is almost necessarily a great neglect of all domestic affairs. A person in high office can rarely take a view of his family house. If he sees that the state takes no detriment, the state must see that his affairs should take as little.

I will even go so far as to affirm that if men were willing to serve in such situations without salary, they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say that that state which lays its foundation in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption. An honorable and fair profit is the best security against avarice and rapacity, as in all things else, a lawful and regulated enjoyment is the best security against debauchery and excess. For as wealth is power, so all power will infallibly draw wealth to itself by some means or other, and when men are left no way of ascertaining their profits but by their means of obtaining them, those means will be increased to infinity. This is true in all the parts of administration, as well as in the whole. If any individual were to decline his appointments, it might give an unfair advantage to ostentatious ambition over unpretending service, it might breed invidious comparisons; it might tend to destroy whatever little unity and agreement may be found among ministers. And, after all, when an ambitious man had run down his competitors by a fallacious show of disinterestedness, and fixed himself in power by that means, what security is there that he would not change his course, and claim as an indemnity ten times more than he has given up? . . .

It may be expected, Sir, that when I am giving my reasons why



I limit myself in the reduction of employments, or of their profits, I should say something of those which seem of eminent inutility in the state: I mean the number of officers who, by their places, are attendant on the person of the king. Considering the commonwealth merely as such, and considering those officers only as relative to the direct purposes of the state, I admit that they are of no use at all. But there are many things in the constitution of establishments, which appear of little value on the first view, which in a secondary and oblique manner produce very material advantages. It was on full consideration that I determined not to lessen any of the offices of honor about the crown, in their number or their emoluments. These emoluments, except in one or two cases, do not much more than answer the charge of attendance. Men of condition naturally love to be about a court; and women of condition love it much more. But there is in all regular attendance so much of constraint that if it were a mere charge, without any compensation, you would soon have the court deserted by all the nobility of the kingdom.

Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company. They are so elevated above all the rest of mankind that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will which will be made by their virtue, their petulance, or their pride. It must, indeed, be admitted that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, and some lurking remains of their dignity will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands; and the mischief increased every day till the decline and final ruin of the empire. It is therefore of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person a great number of his first nobility; and it is rather a useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have therefore not attempted to reform any of the offices of honor about the king's person.

There are, indeed, two offices in his stables which are sinecures: by the change of manners, and indeed by the nature of the thing, they must be so: I mean the several keepers of buck-hounds, stag-hounds, fox-hounds, and harriers. They answer no purpose of utility or of splendor. These I propose to abolish. It is not proper that great noblemen should be keepers of dogs, though they were the king's dogs.

In every part of the scheme, I have endeavored that no primary, and that even no secondary, service of the state should suffer by its frugality. I mean to touch no offices but such as I am perfectly sure are either of no use at all, or not of any use in the least assignable proportion to the burden with which they load the revenues of the kingdom, and to the influence with which they oppress the freedom of parliamentary deliberation. . . .

### *The Plan of Arrangement*

I have now finished all that for the present I shall trouble you with on the *plan of reduction*. I mean next to propose to you the *plan of arrangement*, by which I mean to appropriate and fix the civil list money to its several services according to their nature; for I am thoroughly sensible that if a discretion wholly arbitrary can be exercised over the civil list revenue, although the most effectual methods may be taken to prevent the inferior departments from exceeding their bounds, the plan of reformation will still be left very imperfect. It will not, in my opinion, be safe to permit an entirely arbitrary discretion even in the First Lord of the Treasury himself; it will not be safe to leave with him a power of diverting the public money from its proper objects, of paying it in an irregular course, or of inverting perhaps the order of time, dictated by the proportion of value, which ought to regulate his application of payment to service.

. . . That part of my plan, Sir, upon which I principally rest, that on which I rely for the purpose of binding up and securing the whole, is to establish a fixed and invariable order in all its payments, which it shall not be permitted to the First Lord of the Treasury, upon any pretense whatsoever, to depart from. I therefore divide the civil list payments into *nine* classes, putting each class forward according to the importance or justice of the demand, and to the inability of the persons entitled to enforce their pretensions: that is, to put those first who have the most efficient offices, or claim the justest debts, and at the same time, from the character of that description of men, from the retiredness or the remoteness of their situation, or from their want of weight and

power to enforce their pretensions, or from their being entirely subject to the power of a minister, without any reciprocal power of awing, ought to be the most considered, and are the most likely to be neglected — all these I place in the highest classes; I place in the lowest those whose functions are of the least importance, but whose persons or rank are often of the greatest power and influence

In the first class I place the *judges*, as of the first importance. It is the public justice that holds the community together; the ease, therefore, and independence of the judges ought to supersede all other considerations, and they ought to be the very last to feel the necessities of the state, or to be obliged either to *court* or *bully* a minister for their right, they ought to be as *weak solicitors on their own demands* as strenuous assertors of the rights and liberties of others. The judges are, or ought to be, of a *reserved* and retired character, and wholly unconnected with the political world.

In the second class I place the foreign ministers. The judges are the links of our connections with one another; the foreign ministers are the links of our connection with other nations. They are not upon the spot to demand payment, and are therefore the most likely to be, as in fact they have sometimes been, entirely neglected, to the great disgrace and perhaps the great detriment of the nation.

In the third class I would bring all the tradesmen who supply the crown by contract or otherwise.

In the fourth class I place all the domestic servants of the king, and all persons in efficient offices whose salaries do not exceed two hundred pounds a year.

In the fifth, upon account of honor, which ought to give place to nothing but charity and rigid justice, I would place the pensions and allowances of his Majesty's royal family, comprehending of course the queen, together with the stated allowance of the privy purse.

In the sixth class I place those efficient offices of duty whose salaries may exceed the sum of two hundred pounds a year.

In the seventh class, that mixed mass, the whole pension list.

In the eighth, the offices of honor about the king.

In the ninth, and the last of all, the salaries and pensions of the First Lord of the Treasury himself, the Chancellor of the Exchequer, and the other Commissioners of the Treasury.

If, by any possible mismanagement of that part of the revenue which is left at discretion, or by any other mode of prodigality,

cash should be deficient for the payment of the lowest classes, I propose that the amount of those salaries where the deficiency may happen to fall shall not be carried as debt to the account of the succeeding year, but that it shall be entirely lapsed, sunk, and lost; so that government will be enabled to start in the race of every new year wholly unloaded, fresh in wind and in vigor. . . .

I know of no mode of preserving the effectual execution of any duty but to make it the direct interest of the executive officer that it shall be faithfully performed. Assuming, then, that the present vast allowance to the civil list is perfectly adequate to all its purposes, if there should be any failure, it must be from the mismanagement or neglect of the First Commissioner of the Treasury; since, upon the proposed plan, there can be no expense of any consequence which he is not himself previously to authorize and finally to control. It is therefore just, as well as politic, that the loss should attach upon the delinquency.

If the failure from the delinquency should be very considerable, it will fall on the class directly above the First Lord of the Treasury, as well as upon himself and his board. It will fall, as it ought to fall, upon offices of no primary importance in the state, but then it will fall upon persons whom it will be a matter of no slight importance for a minister to provoke. It will fall upon persons of the first rank and consequence in the kingdom—upon those who are nearest to the king, and frequently have a more interior credit with him than the minister himself. It will fall upon masters of the horse, upon lord chamberlains, upon lord stewards, upon grooms of the stole, and lords of the bedchamber. The household troops form an army, who will be ready to mutiny for want of pay, and whose mutiny will be *really* dreadful to a commander-in-chief. A rebellion of the thirteen lords of the bedchamber would be far more terrible to a minister, and would probably affect his power more to the quick, than a revolt of thirteen colonies. . . .

This plan, I really flatter myself, is laid, not in official formality, nor in airy speculation, but in real life, and in human nature, in what "comes home" (as Bacon says) "to the business and bosoms of men." You have now, Sir, before you, the whole of my scheme, as far as I have digested it into a form that might be in any respect worthy of your consideration. . . .

### *The Merits of the Plan*

The plan consists, indeed, of many parts; but they stand upon a few plain principles. It is a plan which takes nothing from the

civil list without discharging it of a burden equal to the sum carried to the public service. It weakens no one function necessary to government; but, on the contrary, by appropriating supply to service, it gives it greater vigor. It provides the means of order and foresight to a minister of finance, which may always keep all the objects of his office, and their state, condition, and relations, distinctly before him. It brings forward accounts without hurrying and distressing the accountants whilst it provides for public convenience, it regards private rights. It extinguishes secret corruption almost to the possibility of its existence. It destroys direct and visible influence equal to the offices of at least fifty members of Parliament. Lastly, it prevents the provision for his Majesty's children from being diverted to the political purposes of his minister.

These are the points on which I rely for the merit of the plan. I pursue economy in a secondary view, and only as it is connected with these great objects. I am persuaded that even for supply this scheme will be far from unfruitful, if it be executed to the extent I propose it. I think it will give to the public, at its periods, two or three hundred thousand pounds a year; if not, it will give them a system of economy, which is itself a great revenue.

. . . I am sure that I lay before you a scheme easy and practicable in all its parts. I know it is common at once to applaud and to reject all attempts of this nature. I know it is common for men to say that such and such things are perfectly right, very desirable — but that, unfortunately, they are not practicable. Oh, no, Sir! no! Those things which are not practicable are not desirable. There is nothing in the world really beneficial that does not lie within the reach of an informed understanding and a well-directed pursuit. There is nothing that God has judged good for us that He has not given us the means to accomplish, both in the natural and the moral world. If we cry, like children, for the moon, like children we must cry on.

We must follow the nature of our affairs, and conform ourselves to our situation. If we do, our objects are plain and compassable. Why should we resolve to do nothing because what I propose to you may not be the exact demand of the petition, when we are far from resolved to comply even with what evidently is so? Does this sort of chicanery become us? The people are the masters. They have only to express their wants at large and in gross. We are the expert artists, we are the skillful workmen, to shape their desires into perfect form, and to fit the utensil to the use. They are the sufferers, they tell the symptoms of

the complaint; but we know the exact seat of the disease, and how to apply the remedy according to the rules of art. How shocking would it be to see us pervert our skill into a sinister and servile dexterity for the purpose of evading our duty, and defrauding our employers, who are our natural lords, of the object of their just expectations!

. . . If we are in earnest about it, and if we exert that industry and those talents in forwarding the work which, I am afraid, may be exerted in impeding it, I engage that the whole may be put in complete execution within a year. For my own part, I have very little to recommend me for this or for any task but a kind of earnest and anxious perseverance of mind, which, with all its good and all its evil effects, is molded into my constitution. I faithfully engage to the House, if they choose to appoint me to any part in the execution of this work (which, when they have made it theirs by the improvements of their wisdom, will be worthy of the able assistance they may give me), that by night and by day, in town or in country, at the desk or in the forest, I will, without regard to convenience, ease, or pleasure, devote myself to their service, not expecting or admitting any reward whatsoever. I owe to this country my labor, which is my all; and I owe to it ten times more industry, if ten times more I could exert. . . .

I have not, Sir, the frantic presumption to suppose that this plan contains in it the whole of what the public has a right to expect in the great work of reformation they call for. Indeed, it falls infinitely short of it. It falls short even of my own ideas. I have some thoughts, not yet fully ripened, relative to a reform in the customs and excise, as well as in some other branches of financial administration. There are other things, too, which form essential parts in a great plan for the purpose of restoring the independence of Parliament. . . .

Sir, all or most these things must be done. Everyone must take his part. If we should be able, by dexterity, or power, or intrigue, to disappoint the expectations of our constituents, what will it avail us? We shall never be strong or artful enough to parry, or to put by, the irresistible demands of our situation. That situation calls upon us, and upon our constituents too, with a voice which *will* be heard. . . .

### *"Let Us Incorporate Ourselves with the People"*

We have furnished to the people of England (indeed we have) some real cause of jealousy. Let us leave that sort of company

which, if it does not destroy our innocence, pollutes our honor; let us free ourselves at once from everything that can increase their suspicions and inflame their just resentment; let us cast away from us, with a generous scorn, all the love-tokens and symbols that we have been vain and light enough to accept — all the bracelets, and snuff-boxes, and miniature pictures, and hair-devices, and all the other adulterous trinkets that are the pledges of our alienation and the monuments of our shame. Let us return to our legitimate home, and all jars and all quarrels will be lost in embraces. Let the commons in Parliament assembled be one and the same thing with the commons at large. The distinctions that are made to separate us are unnatural and wicked contrivances. Let us identify, let us incorporate ourselves with the people. Let us cut all the cables and snap the chains which tie us to an unfaithful shore, and enter the friendly harbor that shoots far out into the main its moles and jetties to receive us. "War with the world, and peace with our constituents." Be this our motto, and our principle. Then, indeed, we shall be truly great. Respecting ourselves, we shall be respected by the world. At present all is troubled, and cloudy, and distracted, and full of anger and turbulence, both abroad and at home; but the air may be cleared by this storm, and light and fertility may follow it. Let us give a faithful pledge to the people, that we honor, indeed, the crown, but that we *belong* to them; that we are their auxiliaries, and not their task-masters — the fellow-laborers in the same vineyard, not lording over their rights, but helpers of their joy; that to tax them is a grievance to ourselves, but to cut off from our enjoyments to forward theirs is the highest gratification we are capable of receiving. I feel, with comfort, that we are all warmed with these sentiments, and while we are thus warm, I wish we may go directly and with a cheerful heart to this salutary work. . . .

## 2. *Parliamentary Reform*

¶ The effort to purge Parliament of corrupt royal influence was but one feature of political agitation in these turbulent and critical times. Other objectives sought were triennial and even annual parliaments instead of the seven years' duration,<sup>20</sup> the creation of additional parliamentary constituencies, and the abolition of representation for grossly corrupt boroughs. Some of the leading statesmen of the age favored reform measures of this character: for example, Charles James Fox, member for the city

<sup>20</sup> See above, p. 29n.

of Westminster, close friend of Burke, and acknowledged leader of the Whig opposition in the House of Commons. In April 1780 Fox called publicly for annual Parliaments and the addition of a hundred county members to free Parliament from control by crown influence. Young William Pitt, who was to enter Parliament that year and to become Prime Minister in 1783, advocated this type of reform. It was much to the front in political discussion in the various county and city meetings in the winter and spring of 1780.

Burke set his face against it, and his position on the question is of extreme importance for understanding his political principles. From the start of his public life he had been identified with political reform, but he was always profoundly conservative; he was less a conservative reformer than a reforming conservative. He wished to reform in order to conserve. His supreme purpose in attacking George III's government on American and Irish questions had not been the gaining of American independence or the satisfaction of Irish nationalist demands, but the preservation of traditional English liberties and the integrity of the British Empire. Similarly, the aim of his economical reform plan had not been to exalt Parliament over the crown, but to preserve unimpaired and uncorrupted the long-established position, independence, freedom, and vitality of the parliamentary organ of the British monarchical state. Hence the same political principles that animated his economical reform set him in opposition to other reforms which went beyond the cleansing of Parliament to an alteration in its constitution. A close study of Burke and Fox on the question of reforming the House of Commons in 1780 throws considerable light on the ultimate breach between these men over the issue raised a decade later by the French Revolution. Such examination also helps to explain and obviate the often alleged inconsistency between the Burke who championed American resistance to George III and the Burke who denounced the revolutionary party in France. It is perhaps not without significance for Burke's position on parliamentary reform that he might never have got into the House of Commons if the reform ultimately enacted in 1832 had been made a century earlier. His first constituency was a "pocket borough" (Wendover), and after losing the Bristol seat in 1780, he became member for Malton, a Yorkshire "family borough" belonging to Lord Rockingham.

Burke's attitude toward the proposals for augmenting the membership of the House of Commons and holding more frequent elections was expressed in a letter (April 12, 1780) ad-



dressed to the chairman of a meeting held the following day at Aylesbury in Buckinghamshire:<sup>-1</sup> ¶

Sir — Having heard yesterday, by mere accident, that there is an intention of laying before the county meeting *new matter, which is not contained in our petition*, and the consideration of which had been deferred to a fitter time by a majority of our committee in London, permit me to take this method of submitting to you my reasons for thinking, with our committee, that nothing ought to be hastily determined upon the subject.

Our petition arose naturally from distresses which we *felt*; and the requests which we made were in effect nothing more than that such things should be done in Parliament as it was evidently the duty of Parliament to do. But the affair which will be proposed to you by a person of rank and ability is an alteration in the constitution of Parliament itself. It is impossible for you to have a subject before you of more importance, and that requires a more cool and more mature consideration, both on its own account, and for the credit of our sobriety of mind who are to resolve upon it.

The county will in some way or other be called upon to declare it your opinion that the House of Commons is not sufficiently numerous, and that the elections are not sufficiently frequent; that a hundred new knights of the shire ought to be added, and that we are to have a new election once in three years for certain, and as much oftener as the king pleases. Such will be the state of things if the proposition made shall take effect.

All this may be proper. But, as an honest man, I cannot possibly give my vote for it until I have considered it more fully. I will not deny that our constitution may have faults, and that those faults, when found, ought to be corrected; but, on the whole, that constitution has been our own pride and an object of admiration to all other nations. It is not everything which appears at first view to be faulty, in such a complicated plan, that is to be determined to be so in reality. To enable us to correct the constitution, the whole constitution must be viewed together; and it must be compared with the actual state of the people, and the circumstances of the time. For that which taken singly and by itself may appear to be wrong, when considered with relation to other things may be perfectly right — or at least such as ought to be patiently endured, as the means of preventing something that is worse. So far with regard to what at first view may appear a *distemper* in

<sup>21</sup> Works, VI, 293-8

the constitution. As to the *remedy* of that distemper an equal caution ought to be used; because this latter consideration is not single and separate, no more than the former. There are many things in reformation which would be proper to be done if other things can be done along with them, but which, if they cannot be so accompanied, ought not to be done at all. I therefore wish, when any new matter of this deep nature is proposed to me, to have the whole scheme distinctly in my view, and full time to consider of it. Please God, I will walk with caution whenever I am not able clearly to see my way before me.

I am now growing old. I have from my very early youth been conversant in reading and thinking upon the subject of our laws and constitution, as well as upon those of other times and other countries; I have been for fifteen years a very laborious member of Parliament, and in that time have had great opportunities of seeing with my own eyes the working of the machine of our government, and remarking where it went smoothly and did its business, and where it checked in its movements, or where it damaged its work; I have also had and used the opportunities of conversing with men of the greatest wisdom and fullest experience in those matters; and I do declare to you most solemnly and most truly that, on the result of all this reading, thinking, experience, and communication, I am not able to come to an immediate resolution in favor of a change of the groundwork of our constitution, and in particular that, in the present state of the country, in the present state of our representation, in the present state of our rights and modes of electing, in the present state of the several prevalent interests, in the present state of the affairs and manners of this country, the addition of a hundred knights of the shire, and hurrying election on election, will be things advantageous to liberty or good government.

This is the present condition of my mind; and this is my apology for not going as fast as others may choose to go in this business. I do not by any means reject the propositions; much less do I condemn the gentlemen who, with equal good intentions, with much better abilities, and with infinitely greater personal weight and consideration than mine, are of opinion that this matter ought to be decided upon instantly.

### *"The Deliberate Sense of the Kingdom"*

I most heartily wish that the deliberate sense of the kingdom on this great subject should be known. When it is known, it *must* be prevalent. It would be dreadful indeed if there was any power

in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people. The people may be deceived in their choice of an object; but I can scarcely conceive any choice they can make to be so very mischievous as the existence of any human force capable of resisting it. It will certainly be the duty of every man, in the situation to which God has called him, to give his best opinion and advice upon the matter; it will *not* be his duty, let him think what he will, to use any violent or any fraudulent means of counteracting the general wish, or even of employing the legal and constructive organ of expressing the people's sense against the sense which they do actually entertain.

In order that the real sense of the people should be known upon so great an affair as this, it is of absolute necessity that timely notice should be given; that the matter should be prepared in open committees, from a choice into which no class or description of men is to be excluded — and the subsequent county meetings should be as full and as well attended as possible. Without these precautions the true sense of the people will ever be uncertain. Sure I am that no precipitate resolution on a great change in the fundamental constitution of any country can ever be called the real sense of the people.

I trust it will not be taken amiss if, as an inhabitant and freeholder of this county (one, indeed, among the most inconsiderable), I assert my right of dissenting (as I do dissent fully and directly) from any resolution whatsoever on the subject of an alteration in the representation and election of the kingdom *at this time . . . .*

### *3. The Duration of Parliaments*

¶ For a number of years before 1780 some members of the opposition in Parliament favored the enactment of a law to make parliamentary elections more frequent in order to make the House of Commons more immediately responsive to the electorate. The Triennial Act of 1694 had set a three-year limit to the life of a Parliament, but after the suppression of the Jacobite rebellion against the new Hanoverian dynasty in 1715, the Whig ministers of George I (1714-27) carried the Septennial Act of 1716, which lengthened the life of the then existing Parliament and fixed the legal duration at seven years, where it was to remain until 1911. The purpose of the measure was to increase the stability and power of the House of Commons, the principal instrument by which the Whig oligarchy ruled the country. Con-

stitutionally the crown could of course dissolve Parliament and issue writs for new elections at any time, but Whig ministers had disliked the costs and inconveniences of elections, and Parliaments were not dissolved until they had almost reached the limit of their lawful duration. But from the latter years of George II various proposals were made to repeal the septennate. George III's efforts to wrest control of Parliament from the Whig oligarchy naturally caused his opponents to consider more frequent appeals to the electorate. In 1771 Lord Chatham declared for return to triennial Parliaments, and thereafter each year proposals were introduced for shortening the duration of Parliaments. A motion for such a measure was debated in the House of Commons in May 1780. Here again the significant difference between Fox and Burke was shown. Fox supported the motion (of Mr. John Sawbridge), but Burke delivered a strong speech against it on May 8.<sup>22</sup> ¶

It is always to be lamented when men are driven to search into the foundations of the commonwealth. It is certainly necessary to resort to the theory of your government whenever you propose any alteration in the frame of it — whether that alteration means the *revival of some former antiquated and forsaken constitution* of state, or the introduction of some new improvement in the commonwealth. The object of our deliberation is to promote the good purposes for which elections have been instituted, and to prevent their inconveniences. If we thought frequent elections attended with no inconvenience, or with but a trifling inconvenience, the strong overruling principle of the constitution would sweep us like a torrent towards them. But your remedy is to be suited to your disease, your present disease, and to your whole disease. That man thinks much too highly, and therefore he thinks weakly and delusively, of any contrivance of human wisdom, who believes that it can make any sort of approach to perfection. There is not, there never was, a principle of government under heaven that does not, in the very pursuit of the good it proposes, naturally and inevitably lead into some inconvenience which makes it absolutely necessary to counterwork and weaken the application of that first principle itself, and to abandon something of the extent of the advantage you proposed by it, in order to prevent also the inconveniences which have arisen from the instrument of all the good you had in view.

To govern according to the sense and agreeably to the interests

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<sup>22</sup> Works, VII, 71-87

of the people is a great and glorious object to government. This object cannot be obtained but through the medium of popular election; and popular election is a mighty evil. Is it such and so great an evil that, though there are few nations whose monarchs were not originally elective, very few are now elected. They are the distempers of elections that have destroyed all free states. To cure these distempers is difficult, if not impossible; the only thing, therefore, left to save the commonwealth is to prevent their return too frequently. The objects in view are to have Parliaments as frequent as they can be without distracting them in the prosecution of public business on one hand, to secure their dependence upon the people; on the other, to give them that quiet in their minds and that ease in their fortunes as to enable them to perform the most arduous and most painful duty in the world with spirit, with efficiency, with independency, and with experience, as real public counselors, not as the canvassers at a perpetual election.

This bill, I fear, would precipitate one of two consequences — I know not which most likely, or which most dangerous: either that the crown, by its constant, stated power, influence, and revenue, would wear out all opposition in elections, or that a violent and furious popular spirit would arise. I must see, to satisfy me, the remedies, I must see, from their operation in the cure of the old evil, and in the cure of those new evils which are inseparable from all remedies, how they balance each other, and what is the total result. The excellence of mathematics and metaphysics is to have but one thing before you; but he forms the best judgment in all moral disquisitions who has the greatest number and variety of considerations in one view before him, and can take them in with the best possible consideration of the middle results of all.

. . . On these principles I mean to debate the question.<sup>23</sup> It is easy to pretend a zeal for liberty. Those who think themselves not likely to be encumbered with the performance of their promises, either from their known inability or total indifference about the performance, never fail to entertain the most lofty ideas. They are certainly the most specious; and they cost them neither reflection to frame, nor pains to modify, nor management to support. The task is of another nature to those who mean to promise nothing that it is not in their intention or may possibly be in their power to perform to those who are bound and principled no more to delude the understandings than to violate the liberty of their fel-

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<sup>23</sup> For Burke's views on more frequent elections, see also Chapter I, pp. 29-30, 35-6.

low-subjects Faithful watchmen we ought to be over the rights and privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them: we are not to go to school to them, to learn the principles of law and government. In doing so, we should not dutifully serve, but we should basely and scandalously betray the people, who are not capable of this service by nature, nor in any instance called to it by the constitution. I reverentially look up to the opinion of the people, and with an awe that is almost superstitious. I should be ashamed to show my face before them if I changed my ground as they cried up or cried down men or things or opinions — if I wavered and shifted about with every change, and joined in it or opposed as best answered any low interest or passion — if I held them up hopes which I knew I never intended, or promised what I well knew I could not perform. Of all these things they are perfect sovereign judges without appeal; but as to the detail of particular measures, or to any general schemes of policy, they have neither enough of speculation in the closet nor of experience in business to decide upon it. They can well see whether we are tools of a court or their honest servants. . . .

### *Frequent Elections and Political Corruption*

That the frequency of elections proposed by this bill has a tendency to increase the power and consideration of the electors, not lessen corruptibility, I do most readily allow. so far it is desirable. This is what it has; I will tell you now what it has not. 1st, It has no sort of tendency to increase their integrity and public spirit, unless an increase of power has an operation upon voters in elections that it has in no other situation in the world, and upon no other part of mankind. 2nd, This bill has no tendency to limit the quantity of influence in the crown, to render its operation more difficult, or to counteract that operation which it cannot prevent in any way whatsoever. It has its full weight, its full range, and its uncontrolled operation on the electors exactly as it had before. 3rd, Nor, thirdly, does it abate the interest or inclination of ministers to apply that influence to the electors; on the contrary, it renders it much more necessary to them, if they seek to have a majority in Parliament, to increase the means of that influence, and redouble their diligence, and to sharpen dexterity in the application. The whole effect of the bill is, therefore, the removing the application of some part of the influence from the elected to the electors, and further to strengthen and extend a court interest already great and powerful in boroughs: here to fix their magazines and places of

arms, and thus to make them the principal, not the secondary, theater of their maneuvers for securing a determined majority in Parliament.

I believe nobody will deny that the electors are corruptible. They are men—it is saying nothing worse of them; many of them are but ill informed in their minds, many feeble in their circumstances, easily overreached, easily seduced. If they are many, the wages of corruption are the lower; and would to God it were not rather a contemptible and hypocritical adulation than a charitable sentiment to say that there is already no debauchery, no corruption, no bribery, no perjury, no blind fury and interested faction among the electors in many parts of this kingdom!—nor is it surprising, or at all blamable, in that class of private men, when they see their neighbors aggrandized, and themselves poor and virtuous without that *éclat* or dignity which attends men in higher situations.

But admit it were true that the great mass of the electors were too vast an object for court influence to grasp or extend to, and that in despair they must abandon it; he must be very ignorant of the state of every popular interest who does not know that in all the corporations, all the open boroughs, indeed in every district of the kingdom, there is some leading man, some agitator, some wealthy merchant or considerable manufacturer, some active attorney, some popular preacher, some money-lender, &c., &c., who is followed by the whole flock. This is the style of all free countries. . . .

These spirits, each of which informs and governs his own little orb, are neither so many, nor so little powerful, nor so incorruptible, but that a minister may, as he does frequently, find means of gaining them, and through them all their followers. To establish, therefore, a very general influence among electors will no more be found an impracticable project than to gain an undue influence over members of Parliament. . . .

Theory, I know, would suppose that every general election is to the representative a day of judgment, in which he appears before his constituents to account for the use of the talent with which they entrusted him, and for the improvement he has made of it for the public advantage. It would be so if every corruptible representative were to find an enlightened and incorruptible constituent. But the practice and knowledge of the world will not suffer us to be ignorant that the constitution on paper is one thing, and in fact and experience is another. We must know that the candidate, instead of trusting at his election to the testimony of his be-

havior in Parliament, must bring the testimony of a large sum of money, the capacity of liberal expense in entertainments, the power of serving and obliging the rulers of corporations, of winning over the popular leaders of political clubs, associations, and neighborhoods. It is ten thousand times more necessary to show himself a man of power than a man of integrity, in almost all the elections with which I have been acquainted. Elections, therefore, become a matter of heavy expense, and if contests are frequent, to many they will become a matter of an expense totally ruinous, which no fortunes can bear, but least of all the landed fortunes, encumbered as they often, indeed as they mostly are, with debts, with portions, with jointures, and tied up in the hands of the possessor by the limitations of settlement. It is a material, it is in my opinion a lasting consideration, in all the questions concerning election. Let no one think the charges of elections a trivial matter.

### *The Ruin of Independent Members*

The charge, therefore, of elections ought never to be lost sight of in a question concerning their frequency, because the grand object you seek is independence. Independence of mind will ever be more or less influenced by independence of fortune; and if every three years the exhausting sluices of entertainments, drinkings, open houses, to say nothing of bribery, are to be periodically drawn up and renewed — if government favors, for which now, in some shape or other, the whole race of men are candidates, are to be called for upon every occasion, I see that private fortunes will be washed away, and every, even to the least, trace of independence borne down by the torrent. I do not seriously think this constitution, even to the wrecks of it, could survive five triennial elections. If you are to fight the battle, you must put on the armor of the ministry, you must call in the public to the aid of private money. . . .

About the close of the last Parliament and the beginning of this, several agents for boroughs went about, and I remember well that it was in every one of their mouths, "Sir, your election will cost you three thousand pounds if you are independent; but if the ministry supports you, it may be done for two, and perhaps for less." And, indeed, the thing spoke itself. Where a living was to be got for one, a commission in the army for another, a lift in the navy for a third, and custom-house offices scattered about without measure or number, who doubts but money may be saved? The Treasury may even add money; but, indeed, it is superfluous. A gentleman of two thousand a year who meets another of the same



fortune fights with equal arms; but if to one of the candidates you add a thousand a year in places for himself, and a power of giving away as much among others, one must, or there is no truth in arithmetical demonstration, ruin his adversary if he is to meet him and to fight with him every third year. It will be said I do not allow for the operation of character—but I do; and I know it will have its weight in most elections—perhaps it may be decisive in some; but there are few in which it will prevent great expenses.

The destruction of independent fortunes will be the consequence on the part of the candidate. What will be the consequence of triennial corruption, triennial drunkenness, triennial idleness, triennial lawsuits, litigations, prosecutions, triennial frenzy—of society dissolved, industry interrupted, ruined—of those personal hatreds that will never be suffered to soften, those animosities and feuds which will be rendered immortal, those quarrels which are never to be appeased—morals vitiated and gangrened to the vitals? I think no stable and useful advantages were ever made by the money got at elections by the voter, but all he gets is doubly lost to the public: it is money given to diminish the general stock of the community, which is in the industry of the subject. I am sure that it is a good while before he or his family settle again to their business. Their heads will never cool; the temptations of elections will be forever glittering before their eyes. They will all grow politicians; every one, quitting his business, will choose to enrich himself by his vote. They will all take the gauging-rod; new places will be made for them; they will run to the custom-house quay; their looms and plows will be deserted. . . .

Gentlemen, I know, feel the weight of this argument; they agree that this would be the consequence of more frequent elections, if things were to continue as they are. But they think the greatness and frequency of the evil would itself be a remedy for it—that, sitting but for a short time, the member would not find it worth while to make such vast expenses, while the fear of their constituents will hold them the more effectually to their duty.

To this I answer that experience is full against them. This is no new thing; we have had triennial Parliaments; at no period of time were seats more eagerly contested. The expenses of elections ran higher, taking the state of all charges, than they do now. The expense of entertainments was such that an act, equally severe and ineffectual, was made against it; every monument of the time bears witness of the expense, and most of the acts against corruption in elections were then made; all the writers talked of it

and lamented it. Will anyone think that a corporation will be contented with a bowl of punch or a piece of beef the less because elections are every three instead of every seven years? Will they change their wine for ale because they are to get more ale three years hence? Don't think it. . . .

It never can be otherwise. A seat in this House, for good purposes, for bad purposes, for no purposes at all (except the mere consideration derived from being concerned in the public counsels), will ever be a first-rate object of ambition in England. Ambition is no exact calculator. Avarice itself does not calculate strictly, when it games. One thing is certain: that in this political game the great lottery of power is that into which men will purchase with millions of chances against them. In Turkey, where the place, where the fortune, where the head itself are so insecure that scarcely any have died in their beds for ages, so that the bowstring is the natural death of bashaws, yet in no country is power and distinction (precarious enough, God knows, in all) sought for with such boundless avidity—as if the value of place was enhanced by the danger and insecurity of its tenure. Nothing will ever make a seat in this House not an object of desire to numbers by any means or at any charge, but the depriving it of all power and all dignity. This would do it. This is the true and only nostrum for that purpose. But a House of Commons without power and without dignity, either in itself or in its members, is no House of Commons for the purposes of this constitution.

But they will be afraid to act ill if they know that the day of their account is always near? I wish it were true; but it is not: here again we have experience, and experience is against us. . . . The shortness of time in which they are to reap the profits of iniquity is far from checking the avidity of corrupt men; it renders them infinitely more ravenous. They rush violently and precipitately on their object; they lose all regard to decorum. The moments of profits are precious; never are men so wicked as during a general mortality. . . .

Thus, in my opinion, the shortness of a triennial sitting would have the following ill effects: it would make the member more shamelessly and shockingly corrupt; it would increase his dependence on those who could best support him at his election; it would rack and tear to pieces the fortunes of those who stood upon their own fortunes and their private interest; it would make the electors infinitely more venal; and it would make the whole body of the people, who are, whether they have votes or not, concerned in elections, more lawless, more idle, more debauched; it would

utterly destroy the sobriety, the industry, the integrity, the simplicity of all the people, and undermine, I am much afraid, the deepest and best-laid foundations of the commonwealth. . . .

#### 4. *The State of the Representation*

¶ On March 20, 1782, Lord North resigned and King George capitulated to the opponents of his system of personal government. Lord Rockingham became First Lord of the Treasury, and it was Burke's hope that the new Prime Minister would be able to maintain a government united in allegiance to the principles of party government as Burke had conceived and defined them. But the government was a composite of the followers of Rockingham and the followers of the late Earl of Chatham,<sup>4</sup> who had never accepted the principles of party government. Their leader now was Lord Shelburne, who proved to be the King's favorite in the ministry. He was Secretary of State for the Home and Colonial Departments. The other Secretary of State (for foreign affairs) was Charles Fox, who, although a close friend of Burke, had never run in perfect harmony with the Rockingham Whigs. The seeds of disunion were in the government from the beginning. The Chathamites were more inclined than the "Rockinghams" to advocate "popular" measures, and to this extent they approached the views of Fox; but Shelburne differed with Fox over questions of policy and strategy in bringing the war with America and the Bourbon powers to an end. The Rockingham-Burke position was like that of Fox on foreign questions, but more conservative on domestic matters.

In May 1782, early in the short life of this disunited ministry, young William Pitt, whose father, Chatham, twelve years before had condemned borough representation as "the rotten part of the constitution," moved in the House of Commons for "a committee to inquire into the state of the representation of the Commons in Parliament." He envisaged a redistribution of seats, a revision of constituencies, and an enlargement of the electorate. His motion failed, and even after becoming first minister of the crown the following year he found that he could not lead King or cabinet in this direction. Burke was as hostile to Pitt's proposed alteration in the constitution of Parliament as he had been to abolishing the septennate. His speech<sup>5</sup> on the motion (May 7, 1782) was a resolute defense of the existing arrangement, against the same political

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<sup>4</sup> Died in 1778.

<sup>5</sup> Works, VII, 91-104.

ideas he was to oppose eight years later in denouncing the French Revolution. ¶

Mr. Speaker — We have now discovered, at the close of the eighteenth century, that the constitution of England, which for a series of ages had been the proud distinction of this country, always the admiration and sometimes the envy of the wise and learned in every other nation — we have discovered that this boasted constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabric of the British constitution. It is singular that they report nothing against the crown, nothing against the lords; but in the House of Commons everything is unsound; it is ruinous in every part; it is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it is to remove that opinion, to take away all reverence, all confidence from it; and then, at the first blast of public discontent and popular tumult, it tumbles to the ground.

In considering this question, they who oppose it oppose it on different grounds. One is in the nature of a previous question: that some alterations may be expedient, but that this is not the time for making them. The other is that no essential alterations are at all wanting, and that neither *now* nor at *any* time is it prudent or safe to be meddling with the fundamental principles and ancient tried usages of our constitution — that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be — and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

### *Natural Rights vs. the Prescriptive Constitution*

On the other side there are two parties, who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right, on the supposed rights of man as man: this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is that the representation is not so politically framed as to answer the theory of its institution. As to the claim of *right*, the meanest petitioner, the most gross and

ignorant, is as good as the best; in some respects his claim is more favorable, on account of his ignorance; his weakness, his poverty, and distress only add to his titles; he sues *in forma pauperis*; he ought to be a favorite of the court. But when the *other* ground is taken, when the question is political, when a new constitution is to be made on a sound theory of government, then the presumptuous pride of didactic ignorance is to be excluded from the counsel in this high and arduous matter, which often bids defiance to the experience of the wisest. The first claims a personal representation; the latter rejects it with scorn and fervor. The language of the first party is plain and intelligible; they who plead an absolute right cannot be satisfied with anything short of personal representation, because all *natural* rights must be the rights of individuals, as by *nature* there is no such thing as politic or corporate personality: all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else. They, therefore, who reject the principle of natural and personal representation are essentially and eternally at variance with those who claim it. As to the first sort of reformers, it is ridiculous to talk to them of the British constitution upon any or upon all of its bases; for they lay it down that every man ought to govern, himself, and that, where he cannot go, himself, he must send his representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right, but our duty, to resist it. Nine tenths of the reformers argue thus — that is, on the natural right.

It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons, in that light, undoubtedly, is no representative of the people, as a collection of individuals. Nobody pretends it, nobody can justify such an assertion. When you come to examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitely short of the principle of the demand. What! *one third* only of the legislature, and of the government no share at all? What sort of treaty of partition is this for those who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat: for how comes only a third to be their younger children's fortune in this settlement? How came they neither to have the choice of kings, or lords, or judges, or generals, or admirals, or bishops, or priests, or ministers, or justices of peace? Why, what have you to answer

in favor of the prior rights of the crown and peerage but this: our constitution is a prescriptive constitution; it is a constitution whose sole authority is that it has existed time out of mind? It is settled in these *two* portions against one, legislatively — and in the whole of the judicature, the whole of the federal capacity, of the executive, the prudential, and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the crown settled on any adjudication in favor of natural rights; for they could never be so partitioned. Your king, your lords, your judges, your juries, grand and little, all are prescriptive; and what proves it is the disputes, not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favor of any settled scheme of government against any untried project that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation — far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in numbers and in space. And thus is a choice not of one day or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution made by what is ten thousand times better than choice — it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment which accommodates itself to the body. Nor is prescription of government formed upon blind, unmeaning prejudices. For a man is a most unwise and a most wise being. The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and, when time is given to it, as a species, it almost always acts right.

The reason for the crown as it is, for the lords as they are, is my reason for the commons as they are, the electors as they are. Now if the crown, and the lords, and the judicatures are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our electors have their powers and privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed

them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively — just like the rest. This prescription has made it essentially what it is, an aggregate collection of three parts, knights, citizens, burgesses. The question is whether this has been always so, since the House of Commons has taken its present shape and circumstances, and has been an essential operative part of the constitution — which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative; and then another question arises: whether this House stands firm upon its ancient foundations, and is not, by time and accidents, so declined from its perpendicular as to want the hand of the wise and experienced architects of the day to set it upright again, and to prop and buttress it up for duration — whether it continues true to the principles upon which it has hitherto stood — whether this be *de facto* the constitution of the House of Commons, as it has been since the time that the House of Commons has without dispute become a necessary and an efficient part of the British constitution. To ask whether a thing which has always been the same stands to its usual principle seems to me to be perfectly absurd: for how do you know the principles but from the construction? and if that remains the same, the principles remain the same. It is true that to say your constitution is what it has been is no sufficient defense for those who say it is a bad constitution. It is an answer to those who say that it is a degenerate constitution. To those who say it is a bad one, I answer, look to its effects. In all moral machinery, the moral results are its test.

On what grounds do we go to restore our constitution to what it has been at some given period, or to reform and reconstruct it upon principles more conformable to a sound theory of government? A prescriptive government, such as ours, never was the work of any legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories which learned and speculative men have made from that government, and then, supposing it made on those theories which were made from it, to accuse the government as not corresponding with them. I do not vilify theory and speculation: no, because that would be to vilify reason itself. . . . No — whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is

the true touchstone of all theories which regard man and the affairs of men: Does it suit his nature in general? Does it suit his nature as modified by his habits?

### *"The Standard of Expedience"*

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence that this very thing, which is stated as a horrible thing, is the means of the preservation of our constitution whilst it lasts — of curing it of many of the disorders which, attending every species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. If you reject personal representation, you are pushed upon expedience; and then what they wish us to do is to prefer their speculations on that subject to the happy experience of this country, of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this, for one, I will not do. Then what is the standard of expedience? Expedience is that which is good for the community, and good for every individual in it. Now this expedience is the *desideratum*, to be sought either without the experience of means or with that experience. If without, as in case of the fabrication of a new commonwealth, I will hear the learned arguing what promises to be expedient; but if we are to judge of a commonwealth actually existing, the first thing I inquire is, What has been *found* expedient or inexpedient? And I will not take their *promise* rather than the *performance* of the constitution.

. . . If there be a moral, a political equality, this is the *desideratum* in our constitution, and in every constitution in the world. Moral inequality is as between places and between classes. Now, I ask, what advantage do you find that the places which abound in representation possess over others in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness, the ends for which society was formed? Are the local interests of Cornwall and Wiltshire, for instance, their roads, canals, their prisons, their police, better than Yorkshire, Warwickshire, or Staffordshire? Warwick has members: is Warwick or Stafford more opulent, happy, or free than Newcastle, or than Birmingham? Is Wiltshire the pampered favorite, whilst Yorkshire, like the child of the bondwoman, is turned out to the desert? This is like the unhappy persons who live, if they can



be said to live, in the statical chair—who are ever feeling their pulse, and who do not judge of health by the aptitude of the body to perform its functions, but by their ideas of what ought to be the true balance between the several secretions. Is a committee of Cornwall, &c, thronged, and the others deserted? No. You have an equal representation, because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy; and, perhaps, these places furnishing a superfluity of public agents and administrators (whether in strictness they are representatives or not I do not mean to inquire, but they are agents and administrators), they will stand clearer of local interests, passions, prejudices, and cabals than the others, and therefore preserve the balance of the parts, and with a more general view and a more steady hand than the rest.

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover, not by what he says, but by the principles he lays down. "I mean," says he, "a moderate and temperate reform: that is, I mean to do as little good as possible." If the constitution be what you represent it, and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer, indeed! generous donor! What is the cause of this parsimony of the liberty which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those who are to receive it, and which in the end will leave them no liberty at all I think so, too. They know it, and they feel it. The question is, then, What is the standard of that extreme? What that gentleman, and the associations, or some parts of their phalanxes, think proper? Then our liberties are in their pleasure; it depends on their arbitrary will how far I shall be free. I will have none of that freedom. If, therefore, the standard of moderation be sought for, I will seek for it. Where? Not in their fancies, nor in my own I will seek for it where I know it is to be found—in the constitution I actually enjoy. Here it says to an encroaching prerogative: "Your scepter has its length; you cannot add a hair to your head, or a gem to your crown, but what an eternal law has given to it." Here it says to an overweening peerage: "Your pride finds banks that it cannot overflow"; here to a tumultuous and giddy people: "There is a bound to the raging of the sea." Our constitution is like our island, which uses and restrains its subject sea; in vain the waves roar.

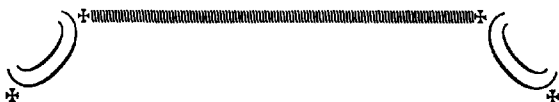
In that constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence which constitutes, and is the only thing which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know, too, and I bless God for, my safe mediocrity: I know that, if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot, by royal favor, or by popular delusion, or by oligarchical cabal, elevate myself above a certain very limited point, so as to endanger my own fall, or the ruin of my country. I know there is an order that keeps things fast in their place: it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these reformers is to prepare the destruction of the constitution, by disgracing and discrediting the House of Commons. For they think (prudently, in my opinion) that if they can persuade the nation that the House of Commons is so constituted as not to secure the public liberty, not to have a proper connection with public interests, so constituted as not either actually or virtually to be the representative of the people, it will be easy to prove that a government composed of a monarchy, an oligarchy chosen by the crown, and such a House of Commons, whatever good can be in such a system, can by no means be a system of free government. . . .

### *"The Inestimable Treasure We Have"*

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarreling about the character or about the conduct of men, or the tenor of measures, but we are grown out of humor with the English constitution itself: this is become the object of the animosity of Englishmen. This constitution in former days used to be the admiration and the envy of the world: it was the pattern for politicians, the theme of the eloquent, the meditation of the philosopher, in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected

of men, and every device and invention of ingenuity or idleness set up in opposition or in preference to it. It is to this humor, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this country meet upon the theory of our frame of government, to sit in judgment on the constitution of our country, to call it as a delinquent before us, and to accuse it of every defect and every vice; to see whether it, an object of our veneration, even our adoration, did or did not accord with a pre-conceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of Parliament. It is for fear of losing the inestimable treasure we have that I do not venture to game it out of my hands for the vain hope of improving it. I look with filial reverence on the constitution of my country, and never will cut it in pieces, and put it into the kettle of any magician, in order to boil it, with the puddle of their compounds, into youth and vigor. On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.



## VI

### India

#### *1. The East India Company and the Rise of Its Empire*

¶ THE LIBERAL principles of empire that Burke championed during the American war, and the conservative principles he defended against constitutional alterations in Great Britain, combined to make him a determined foe of the kind of imperialism then carried on by some of his fellow-countrymen in India. For a number of years before 1783 he had given studious attention to the commerce, possessions, and general affairs of the East India Company, which was, juridically, the British Empire in Asia. He had certain links with this mighty interest, and for a long time he opposed the efforts of George III's ministers to subject it to controlling legislation, lest the India patronage become new spoils for the party of the King's friends. But he came to perceive in India a despotism acting in contempt of ancient established ways of popular life and in flagrant violation of the universal moral law of justice. He saw a greedy exploitation that enabled Englishmen to plunder India and then return with huge fortunes to corrupt the public life of England. What he saw obsessed and dominated his mind almost completely from 1783 to the outbreak of the French Revolution.

Down to the middle of the eighteenth century the East India Company, first chartered by the crown in 1600, was still primarily a commercial institution. It possessed the monopoly of British trade with India and a number of trading stations wherein it enjoyed a form of extraterritorial rights of government. It had acquired from the crown authority to send troops and munitions to guard its stations, to commission officers, and to govern its servants in India according to the laws of England. Hence it gradually had taken on some of the attributes of a state. Meanwhile there occurred the decline and dissolution of the Mogul empire from whose rulers the company had acquired its local rights and privileges. To protect its position the company was driven by necessity to become a competitor for political power.

The French, who before 1750 were more strongly entrenched in India than the British, led the way in this game; and from the 1740's to 1783 India was a principal theater of the global conflict between the French and British empires. Under the leadership of Robert Clive, British preponderance in the Carnatic and a political empire in Bengal were established during the Seven Years' War. The latter province became the principal territorial base of British power, and the servants of the East India Company became the taxgatherers and economic monopolists of the Ganges valley.

This historic transformation was succinctly summarized by Burke in his speech of impeachment against Warren Hastings in 1788:<sup>1</sup> ¶

. . . The East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the company was constituted with extensive powers for increasing the commerce and the honor of this country; because increasing its commerce without increasing its honor and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the company were, under that charter, merely commercial. By degrees, as the theater of operation was distant, as its intercourse was with many great, some barbarous, and all of them armed nations, nations in which not only the sovereign, but the subjects, were armed, it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships—a power which has been since dropped; the next was a power of law martial; the next was a power of civil and, to a degree, of criminal jurisdiction, within their own factories, upon their own people and their own servants; the next was (and here was a stride indeed) the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which in several states were not wholly entrusted to the prince or head of the commonwealth himself, were given to the East India Company. That company acquired these powers about the end of the reign of Charles the Second; and they were afterwards more fully, as well as more legally, given by Parliament after the Revolution. From this time the East India Company was no longer merely a mercantile company, formed for the extension

<sup>1</sup> Works, IX, 348–50.

of the British commerce it more nearly resembled a delegation of the whole power and sovereignty of this kingdom sent into the East. From that time the company ought to be considered as a subordinate sovereign power: that is, sovereign with regard to the objects which it touched; subordinate with regard to the power from whence its great trust was derived.

*"A State in the Disguise of a Merchant"*

Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamt of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances, a political body that acts as a commonwealth was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed. The constitution of the company began in commerce and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us — universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed), this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane, the India Company came to be what it is, a great empire, carrying on, subordinately, a great commerce; it became that thing which was supposed by the Roman law irreconcilable to reason and propriety *eundem negotiatorem et dominum*. The same power became the general trader, the same power became the supreme lord.

In this exalted situation, the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mer-

<sup>2</sup> Tartar conqueror of Asia and founder of the Mogul empire in India (1336-1405)

cantile plan and mercantile principles. In fact, the East India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house. Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political. . . .

## 2. *The Crisis in the Company's Affairs*

¶ When Robert Clive, conqueror of Bengal and founder of the East India Company's territorial empire, returned to England in 1760 with an enormous personal fortune, he left behind him an evil system. The servants of the company had a stranglehold on the fiscal and economic system of Bengal, were engaged in unlicensed private trading and various forms of financial buccaneering. They were plundering not only India but the company itself. Lord Macaulay eighty years later was to describe the system in his famous essay on Warren Hastings: "On the one side was a band of English functionaries, daring, intelligent, eager to be rich. On the other side was a great native population, helpless, timid, accustomed to crouch under oppression. . . . The business of a servant of the company was simply to wring out of the natives a hundred or two hundred thousand pounds as speedily as possible, that he might return home before his constitution had suffered from the heat, to marry a peer's daughter, to buy rotten boroughs in Cornwall, and to give balls in St. James's Square."

Under the law of its charter, the company was governed by a Court of Directors in London. These directors were annually elected and were under the control of the General Court of Proprietors, in which every holder of £500 of stock had a vote. The acquisition of a territorial empire posed the most serious problems before these authorities. The costs of the wars and revolutions in India were forcing the company into debt, while the profits of the new enterprise were being appropriated by its servants, who were buying up its stock in order to control its policy. Presently Clive and his friends were sufficiently powerful in the Court of Proprietors to nominate a majority of the directors. In 1765 these directors sent Clive back to Bengal as governor, with instructions to reorganize and discipline the empire he had founded. He remained at the task for two years, but Clive the statesman could hardly eradicate the evils that had been sown in Bengal by Clive the conquering adventurer.

In the meantime the vast fortunes made in India spread the

belief in England that the company, although heavily in debt, was rich enough to pay larger dividends and make substantial contributions to the crown Treasury, which was then in search of revenues to replace those given up by the repeal of the Stamp Act in America. The directors resisted this pressure from the Treasury, and the affairs of the company were brought before Parliament, where there was much opposition (especially from Lord Chatham) to the company's assumption of territorial revenues in India. The result was that in 1767 a bill was passed, based on an agreement with the company: in return for confirmation of its territorial revenues, the company was obliged to pay £400,000 annually to the Treasury and submit to parliamentary limitation of its dividends. During the next few years famine in Bengal and grave political disorders in the Carnatic put so much additional financial strain on the company that it reached the verge of bankruptcy. In 1772 it applied to the government for a loan, and appointed Warren Hastings governor at Bengal with a mandate to restore its affairs to order and prosperity.

Lord North's government seized the occasion to tighten the grip of the crown on the company and carried several bills for this purpose through Parliament. A large loan was granted and the company was relieved of its annual payments to the Treasury until the loan was amortized; as a further aid, the company was permitted to export a vast tea surplus to America without the usual duty payments in England. But now the company's accounts had to be submitted to the Treasury, and by the Regulating Act the crown became a controlling partner in the government of India. A Supreme Court of Judicature, nominated by and responsible to the crown, was erected in Bengal; and the whole political machinery of the company was united under a governor-general seated in Bengal and subject to the veto of a four-member council. The act not only named Hastings as Governor-General (he was in India at the time), but specified the personnel of the council. It provided, however, that successors in these offices should be chosen by the company's directors with the approval of the crown. The act also revised the constitution of the Courts of Directors and Proprietors. Its broad purpose, in theory at least, was to render the servants obedient to the company, and the company obedient to the state. Burke and his political associates opposed the act as an unwarranted attack on chartered rights and therefore a violation of public faith. They saw it as characteristic "public jobbery": a reaching for patronage control of the Indian establishment.



The 1773 act did not resolve but aggravated the Indian problem. The council quarrelled with Hastings and paralyzed his regime. There was collision between the executive and judicial authorities, whose respective spheres had not been clearly defined by the act, and an evil of the greatest magnitude arose from the effort of the new court of justice, headed by Sir Elijah Impey, to apply English law to Bengalese society. The whole position became more critical with the renewal of war between France and Great Britain in 1778. The ruler of Mysore, Hyder Ali, with French aid and in alliance with a large confederacy of princes in central India, overran the Carnatic and almost extinguished the British Empire in that vast region. The energy and intelligence of Hastings, who secured the upper hand in the council and curbed the judicial tyranny in Bengal, proved equal to the crisis. But the financial difficulties of the company, the quarrels among its officers, and the scandals arising from Hastings's application of "Oriental" solutions to Oriental problems, brought the Indian question again before Parliament.

New legislation was obviously called for, and several minor corrective measures were passed in 1780 and 1781. In the latter year two parliamentary committees were appointed: one, headed by Henry Dundas, to inquire into the Carnatic war; and the second, of which Burke was the leading member, to consider "the state of the administration of justice in the provinces of Bengal, Bahar and Orissa"; how British possessions in India "may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted."

In that committee's ninth report (June 25, 1783), of which Burke was author, the state of affairs since the Regulating Act of 1773 was described as follows:<sup>a</sup> ¶

... Your committee observe that this is the second attempt made by Parliament for the reformation of abuses in the company's government. It appears, therefore, to them a necessary preliminary to this second undertaking, *to consider the causes which, in their opinion, have produced the failure of the first*—that the defects of the original plan may be supplied, its errors corrected, and such useful regulations as were then adopted may be further explained, enlarged, and enforced.

The first design of this kind was formed in the session of the year 1773. In that year Parliament, taking up the consideration of

<sup>a</sup> Works, VIII, 5-41.

the affairs of India, through two of its committees collected a very great body of details concerning the interior economy of the company's possessions, and concerning many particulars of abuse which prevailed at the time when those committees made their ample and instructive reports. But it does not appear that the body of regulations enacted in that year—that is, in the East India Act of the thirteenth of his Majesty's reign—were altogether grounded on that information, but were adopted rather on probable speculations and general ideas of good policy and good government. . . .

### *Cabal and Corruption in the Court of Proprietors*

The first object of the policy of this act was to improve the constitution of the Court of Proprietors. In this case, as in almost all the rest, the remedy was not applied directly to the disease. The complaint was that factions in the Court of Proprietors had shown, in several instances, a disposition to support the servants of the company against the just coercion and legal prosecution of the directors. Instead of applying a corrective to the distemper, a change was proposed in the constitution. By this reform, it was presumed that an interest would arise in the General Court more independent in itself, and more connected with the commercial prosperity of the company. Under the new constitution, no proprietor not possessed of a thousand pounds capital stock was permitted to vote in the General Court; before the act, five hundred pounds was a sufficient qualification for one vote; and no value gave more. But as the lower classes were disabled, the power was increased in the higher; proprietors of three thousand pounds were allowed two votes; those of six thousand were entitled to three; ten thousand pounds was made the qualification for four. The votes were thus regulated in the scale and gradation of property. On this scale, and on some provisions to prevent occasional qualifications and splitting of votes, the whole reformation rested.

Several essential points, however, seem to have been omitted or misunderstood. No regulation was made to abolish the pernicious custom of voting by *ballot*, by means of which acts of the highest concern to the company and to the state might be done by individuals with perfect impunity; and even the body itself might be subjected to a forfeiture of all its privileges for defaults of persons who, so far from being under control, could not be so much as known in any mode of legal cognizance. Nothing was done or attempted to prevent the operation of the interest of de-

linquent servants of the company in the General Court, by which they might even come to be their own judges, and, in effect, under another description, to become the masters in that body which ought to govern them. Nor was anything provided to secure the independency of the proprietary body from the various exterior interests by which it might be disturbed, and diverted from the conservation of that pecuniary concern which the act laid down as the sole security for preventing a collusion between the General Court and the powerful delinquent servants in India. The whole of the regulations concerning the Court of Proprietors relied upon two principles, which have often proved fallacious namely, that small numbers were a security against faction and disorder, and that integrity of conduct would follow the greater property. In no case could these principles be less depended upon than in the affairs of the East India Company. However, by wholly cutting off the lower and adding to the power of the higher classes, it was supposed that the higher would keep their money in that fund to make profit; that the vote would be a secondary consideration, and no more than a guard to the property; and that therefore any abuse which tended to depreciate the value of their stock would be warmly resented by such proprietors.

If the ill effects of every misdemeanor in the company's servants were to be *immediate*, and had a tendency to lower the value of the stock, something might justly be expected from the pecuniary security taken by the act. But from the then state of things, it was more than probable that proceedings ruinous to the permanent interest of the company might commence in great lucrative advantages. Against this evil large pecuniary interests were rather the reverse of a remedy. Accordingly, the company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighboring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the company, and great quantities of valuable goods to their investment.

But this consideration of mere income, whatever weight it might have, could not be the first object of a proprietor, in a body so circumstanced. The East India Company is not, like the Bank of England, a mere moneyed society for the sole purpose of the preservation or improvement of their capital; and therefore every attempt to regulate it upon the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an empire, with such a

boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made nowhere else, it is impossible not to perceive that capitals far superior to any qualifications appointed to proprietors, or even to directors, would readily be laid out for a participation in that power. The India proprietor, therefore, will always be, in the first instance, a politician; and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them. The new regulations did not reduce the number so low as not to leave the assembly still liable to all the disorder which might be supposed to arise from multitude. But if the principle had been well established and well executed, a much greater inconveniency grew out of the reform than that which had attended the old abuse: for if tumult and disorder be lessened by reducing the number of proprietors, private cabal and intrigue are facilitated at least in an equal degree; and it is cabal and corruption, rather than disorder and confusion, that was most to be dreaded in transacting the affairs of India. Whilst the votes of the smaller proprietors continued, a door was left open for the public sense to enter into that society; since that door has been closed, the proprietary has become, even more than formerly, an aggregate of private interests, which subsist at the expense of the collective body. At the moment of this revolution in the proprietary, as it might naturally be expected, those who had either no very particular interest in their vote or but a petty object to pursue immediately disqualified; but those who were deeply interested in the company's patronage, those who were concerned in the supply of ships and of the other innumerable objects required for their immense establishments, those who were engaged in contracts with the Treasury, Admiralty, and Ordnance, together with the clerks in public offices, found means of securing qualifications at the enlarged standard. All these composed a much greater proportion than formerly they had done of the proprietary body.

Against the great, predominant, radical corruption of the Court of Proprietors the raising the qualification proved no sort of remedy. The return of the company's servants into Europe poured in a constant supply of proprietors, whose ability to purchase the highest qualifications for themselves, their agents, and dependants could not be dubious. And this latter description form a very considerable and by far the most active and efficient part of that body. To add to the votes, which is adding to the power in proportion to the wealth, of men whose very offenses

were supposed to consist in acts which lead to the acquisition of enormous riches, appears by no means a well-considered method of checking rapacity and oppression. In proportion as these interests prevailed, the means of cabal, of concealment, and of corrupt confederacy became far more easy than before. Accordingly, there was no fault with respect to the company's government over its servants, charged or chargeable on the General Court as it originally stood, of which since the reform it has not been notoriously guilty. It was not, therefore, a matter of surprise to your committee that the General Court, so composed, has at length grown to such a degree of contempt both of its duty and of the permanent interest of the whole corporation as to put itself into open defiance of the salutary admonitions of this House, given for the purpose of asserting and enforcing the legal authority of their own body over their own servants. . . .

The second object of the act was the Court of Directors. Under the arrangement of the year 1773 that court appeared to have its authority much strengthened. It was made less dependent than formerly upon its constituents, the proprietary. The duration of the directors in office was rendered more permanent, and the tenure itself diversified by a varied and intricate rotation. At the same time their authority was held high over their servants of all descriptions; and the only rule prescribed to the Council-General of Bengal, in the exercise of the large and ill-defined powers given to them, was that they were to yield obedience to the orders of the Court of Directors. As to the Court of Directors itself, it was left with very little regulation. The custom of ballot, infinitely the most mischievous in a body possessed of all the ordinary executive powers, was still left; and your committee have found the ill effects of this practice in the course of their inquiries. Nothing was done to oblige the directors to attend to the promotion of their servants according to their rank and merits. In judging of those merits nothing was done to bind them to any observation of what appeared on their records. Nothing was done to compel them to prosecution or complaint where delinquency became visible. The act, indeed, prescribed that no servant of the company abroad should be eligible into the direction until two years after his return to England. But as this regulation rather presumes than provides for an inquiry into their conduct, a very ordinary neglect in the Court of Directors might easily defeat it, and a short remission might in this particular operate as a total indemnity. In fact, however, the servants have of late seldom attempted a seat in the direction — an attempt which might possibly

rouse a dormant spirit of inquiry; but, satisfied with an interest in the proprietary, they have, through that name, brought the direction very much under their own control. . . .

### *Defects of the Supreme Court of Judicature*

The third object was a new judicial arrangement, the chief purpose of which was to form a strong and solid security for the natives against the wrongs and oppressions of British subjects resident in Bengal. An operose and expensive establishment of a Supreme Court was made, and charged upon the revenues of the country. The charter of justice was by the act left to the crown, as well as the appointment of the magistrates. The defect in the institution seemed to be this: that no rule was laid down, either in the act or the charter, by which the court was to judge. No descriptions of offenders or species of delinquency were properly ascertained, according to the nature of the place, or to the prevalent mode of abuse. Provision was made for the administration of justice in the remotest part of Hindostan as if it were a province in Great Britain. Your committee have long had the constitution and conduct of this court before them, and they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power; though they do find one very strong and marked instance of the judges having employed an unwarrantable extension or application of the municipal law of England to destroy a person of the highest rank among those natives whom they were sent to protect.\* . . .

This court, which in its constitution seems not to have had sufficiently in view the necessities of the people for whose relief it was intended, and was, or thought itself, bound in some instances to too strict an adherence to the forms and rules of English practice, in others was framed upon principles perhaps too remote from the constitution of English tribunals. By the usual course of English practice, the far greater part of the redress to be obtained against oppressions of power is by process in the nature of civil actions. In these a trial by jury is a necessary part, with regard to the finding the offense and to the assessment of the damages. Both these were in the charter of justice left entirely to the judges. It was presumed, and not wholly without reason, that the British subjects were liable to fall into factions and combinations, in order to support themselves in the abuses of an au-

\* The hanging of the Hindu leader Nundcomar by Justice Impey, in alleged collusion with Governor Hastings.

thority of which every man might in his turn become a sharer. And with regard to the natives, it was presumed (perhaps a little too hastily) that they were not capable of sharing in the functions of jurors. But it was not foreseen that the judges were also liable to be engaged in the factions of the settlement; and if they should ever happen to be so engaged, that the native people were then without that remedy which obviously lay in the chance that the court and jury, though both liable to bias, might not easily unite in the same identical act of injustice. . . .

### *The Council vs. the Governor-General*

The fourth object of the act of 1773 was the Council-General. This institution was intended to produce uniformity, consistency, and the effective co-operation of all the settlements in their common defense. By the ancient constitution of the company's foreign settlements, they were each of them under the orders of a president or chief, and a council, more or fewer, according to the discretion of the company. Among those, Parliament (probably on account of the largeness of the territorial acquisitions, rather than the conveniency of the situation) chose Bengal for the residence of the controlling power, and, dissolving the presidency, appointed a new establishment, upon a plan somewhat similar to that which had prevailed before; but the number was smaller. This establishment was composed of a governor-general and four counselors, all named in the act of Parliament. They were to hold their offices for five years, after which term the patronage was to revert to the Court of Directors. In the meantime such vacancies as should happen were to be filled by that court, with the concurrence of the crown. The first Governor-General and one of the counselors had been old servants of the company; the others were new men.

On this new arrangement the Courts of Proprietors and Directors considered the details of commerce as not perfectly consistent with the enlarged sphere of duty and the reduced number of the council. Therefore, to relieve them from this burden, they instituted a new office, called the Board of Trade, for the subordinate management of their commercial concerns, and appointed eleven of the senior servants to fill the commission.

The powers given by the act to the new Governor-General and council had for their direct object the kingdom of Bengal and its dependencies. Within that sphere (and it is not a small one) their authority extended over all the company's concerns of whatever description. In matters of peace and war it seems to

have been meant that the other presidencies<sup>5</sup> should be subordinate to their board. But the law is loose and defective where it professes to restrain the subordinate presidencies from making war without the consent and approbation of the Supreme Council. They are left free to act without it *in cases of imminent necessity, or where they shall have received special orders from the company*. The first exception leaves it open to the subordinate to judge of the necessity of measures which, when taken, bind or involve the superior, the second refers a question of peace or war to two jurisdictions, which may give different judgments. In both instances cases in point have occurred. With regard to their local administration, their powers were exceedingly and dangerously loose and undetermined. Their powers were not given directly, but in words of reference in which neither the objects related to nor the mode of the relation were sufficiently expressed. Their legislative and executive capacities were not so accurately drawn, and marked by such strong and penal lines of distinction, as to keep these capacities separate. Where legislative and merely executive powers were lodged in the same hands, the legislative, which is the larger and the more ready for all occasions, was constantly resorted to. The Governor-General and council, therefore, immediately gave constructions to their ill-defined authority which rendered it perfectly despotic — constructions which if they were allowed, no action of theirs ought to be regarded as criminal.

Armed as they were with an authority in itself so ample, and by abuse so capable of an unlimited extent, very few, and these very insufficient, correctives were administered. Ample salaries were provided for them, which indeed removed the necessity, but by no means the inducements to corruption and oppression. Nor was any barrier whatsoever opposed on the part of the natives against their injustice, except the Supreme Court of Judicature, which never could be capable of controlling a government with such powers without becoming such a government itself.

There was, indeed, a prohibition against all concerns in trade to the whole council, and against all taking of presents by any in authority. A right of prosecution in the King's Bench<sup>6</sup> was also established, but it was a right the exercise of which is difficult, and in many, and those the most weighty cases, impracticable. No considerable facilities were given to prosecution in Parliament, nothing was done to prevent complaint from being far more dangerous to the sufferer than injustice to the oppressor. No

<sup>5</sup> Bombay and Madras

<sup>6</sup> The highest court of common law in England



overt acts were fixed upon which corruption should be presumed in transactions of which secrecy and collusion formed the very basis; no rules of evidence nor authentic mode of transmission were settled in conformity to the unalterable circumstances of the country and the people.

One provision, indeed, was made for restraining the servants, in itself very wise and substantial: a delinquent once dismissed could not be restored but by the votes of three fourths of the directors and three fourths of the proprietors; this was well aimed. But no method was settled for bringing delinquents to the question of removal: and if they should be brought to it, a door lay wide open for evasion of the law, and for a return into the service, in defiance of its plain intention—that is, by resigning to avoid removal; by which measure this provision of the act has proved as unoperative as all the rest. By this management a mere majority may bring in the greater delinquent, whilst the person removed for offenses comparatively trivial may remain excluded forever.

The new council nominated in the act was composed of two totally discordant elements, which soon distinguished themselves into permanent parties. One of the principal instructions which the three members of the council sent immediately from England, namely, General Clavering, Colonel Monson, and Mr. Francis,<sup>7</sup> carried out with them was to "*cause the strictest inquiry to be made into all oppressions and abuses,*" among which *the practice of receiving presents from the natives*, at that time generally charged upon men in power, was principally aimed at.

Presents to any considerable value were justly reputed by the legislature, not as marks of attention and respect, but as bribes or extortions, for which either the beneficial and gratuitous duties of government were sold, or they were the price paid for acts of partiality, or, finally, they were sums of money extorted from the givers by the terrors of power. Against the system of presents, therefore, the new commission was in general opinion particularly pointed. In the commencement of reformation, at a period when a rapacious conquest had overpowered and succeeded to a corrupt government, an act of indemnity might have been thought advisable; perhaps a new account ought to have been opened; all retrospect ought to have been forbidden, at least to

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<sup>7</sup> Philip Francis, a friend of Burke and a famous political pamphleteer. He quarreled bitterly with Governor Hastings and supplied Burke with much of the material for impeaching him.

certain periods. If this had not been thought advisable, none in the higher departments of a suspected and decried government ought to have been kept in their posts until an examination had rendered their proceedings clear, or until length of time had obliterated, by an even course of irreproachable conduct, the errors which so naturally grow out of a new power. But the policy adopted was different: it was to begin with *examples*. The cry against the abuses was strong and vehement throughout the whole nation, and the practice of presents was represented to be as general as it was mischievous. In such a case, indeed in any case, it seemed not to be a measure the most provident, without a great deal of previous inquiry, to place two persons who from their situation must be the most exposed to such imputations, in the commission which was to inquire into their own conduct — much less to place one of them at the head of that commission, and with a casting vote in case of an equality. The persons who could not be liable to that charge were, indeed, three to two; but any accidental difference of opinion, the death of any one of them or his occasional absence or sickness, threw the whole power into the hands of the other two, who were Mr. Hastings and Mr. Barwell, one the President, and the other high in the council of that establishment on which the reform was to operate. Thus those who were liable to process as delinquents were in effect set over the reformers; and that did actually happen which might be expected to happen from so preposterous an arrangement: a stop was soon put to all inquiries into the capital abuses.<sup>8</sup> . . .

### *The Crown and the Company*

That which your committee consider as the fifth and last of the capital objects of the act, and as the binding regulation of the whole, is the introduction (then for the first time) of the ministers of the crown into the affairs of the company. The state claiming a concern and share of property in the company's profits, the servants of the crown were presumed the more likely to preserve with a scrupulous attention the sources of the great revenues which they were to administer, and for the rise and fall of which they were to render an account.

The interference of government was introduced by this act in two ways: one by a control, in effect by a share, in the appointment to vacancies in the Supreme Council. The act provided that his Majesty's approbation should be had to the persons named to

<sup>8</sup> After a few years Hastings acquired a dictatorial control.

that duty Partaking thus in the patronage of the company, administration was bound to an attention to the characters and capacities of the persons employed in that high trust. The other part of their interference was by way of inspection By this right of inspection, everything in the company's correspondence from India which related to the civil or military affairs and government of the company was directed by the act to be within fourteen days after the receipt laid before the Secretary of State, and everything that related to the management of the revenues was to be laid before the Commissioners of the Treasury In fact, both descriptions of these papers have been generally communicated to that board

It appears to your committee that there were great and material defects in both parts of the plan With regard to the approbation of persons nominated to the Supreme Council by the Court of Directors, no sufficient means were provided for carrying to his Majesty, along with the nomination, the particulars in the conduct of those who had been in the service before which might render them proper objects of approbation or rejection The India House possesses an office of record capable of furnishing, in almost all cases, materials for judging on the behavior of the servants in their progress from the lowest to the highest stations, and the whole discipline of the service, civil and military, must depend upon an examination of these records inseparably attending every application for an appointment to the highest stations But in the present state of the nomination the ministers of the crown are not furnished with the proper means of exercising the power of control intended by the law, even if they were scrupulously attentive to the use of it. There are modes of proceeding favorable to neglect Others excite inquiry and stimulate to vigilance . . .

The temporary appointment by Parliament of the Supreme Council of India arose from an opinion that the company, at that time at least, was not in a condition or not disposed to a proper exercise of the privileges which they held under their charter It therefore behoved the directors to be particularly attentive to their choice of counselors, on the expiration of the period during which their patronage had been suspended The duties of the Supreme Council had been reputed of so arduous a nature as to require even a legislative interposition. They were called upon, by all possible care and impartiality, to justify Parliament at least as fully in the restoration of their privileges as the circumstances of the time had done in their suspension.

But interests have lately prevailed in the Court of Directors

which, by the violation of every rule, seemed to be resolved on the destruction of those privileges of which they were the natural guardians. Every new power given has been made the source of a new abuse; and the acts of Parliament themselves, which provide but imperfectly for the prevention of the mischief, have, it is to be feared, made provisions (contrary, without doubt, to the intention of the legislature) which operate against the possibility of any cure in the ordinary course.

In the original institution of the Supreme Council, reasons may have existed against rendering the tenure of the counselors in their office precarious. A plan of reform might have required the permanence of the persons who were just appointed by Parliament to execute it. But the act of 1780 gave a duration co-existent with the statute itself to a council not appointed by act of Parliament, nor chosen for any temporary or special purpose; by which means the servants in the highest situation, let their conduct be never so grossly criminal, cannot be removed unless the Court of Directors and ministers of the crown can be found to concur in the same opinion of it. The prevalence of the Indian factions in the Court of Directors and Court of Proprietors, and sometimes in the state itself, renders this agreement extremely difficult: if the principal members of the direction should be in a conspiracy with any principal servant under censure, it will be impracticable; because the first act must originate there. The reduced state of the authority of this kingdom in Bengal may be traced in a great measure to that very natural source of independence. In many cases the instant removal of an offender from his power of doing mischief is the only mode of preventing the utter and perhaps irretrievable ruin of public affairs. In such a case the process ought to be simple, and the power absolute in one or in either hand separately. By contriving the balance of interests formed in the act, notorious offense, gross error, or palpable insufficiency have many chances of retaining and abusing authority, whilst the variety of representations, hearings, and conferences, and possibly the mere jealousy and competition between rival powers, may prevent any decision, and at length give time and means for settlements and compromises among parties, made at the expense of justice and true policy. But this act of 1780, not properly distinguishing judicial process from executive arrangements, requires in effect nearly the same degree of solemnity, delay, and detail for removing a political inconvenience which attends a criminal proceeding for the punishment of offenses. It goes further and gives the same tenure to all who shall succeed

to vacancies which was given to those whom the act found in office.

Another regulation was made in the act which has a tendency to render the control of delinquency or the removal of incapacity in the Council-General extremely difficult, as well as to introduce many other abuses into the original appointment of counselors. The inconveniences of a vacancy in that important office, at a great distance from the authority that is to fill it, were visible; but your committee have doubts whether they balance the mischief which may arise from the power given in this act of a provisional appointment to vacancies, not on the event, but on foresight. This mode of providing for the succession has a tendency to promote cabal, and to prevent inquiry into the qualifications of the persons to be appointed. An attempt has been actually made, in consequence of this power, in a very marked manner, to confound the whole order and discipline of the company's service. Means are furnished thereby for perpetuating the powers of some given Court of Directors. They may forestall the patronage of their successors, on whom they entail a line of supreme counselors and governors-general. And if the exercise of this power should happen in its outset to fall into bad hands, the ordinary chances for mending an ill choice upon death or resignation are cut off.

In these provisional arrangements it is to be considered that the appointment is not in consequence of any marked event which calls strongly on the attention of the public, but is made at the discretion of those who lead in the Court of Directors, and may therefore be brought forward at times the most favorable to the views of partiality and corruption. Candidates have not, therefore, the notice that may be necessary for their claims; and as the possession of the office to which the survivors are to succeed seems remote, all inquiry into the qualifications and character of those who are to fill it will naturally be dull and languid.

Your committee are not also without a grounded apprehension of the ill effect on any existing Council-General of all strong marks of influence and favor which appear in the subordinates of Bengal. This previous designation to a great and arduous trust (the greatest that can be reposed in subjects), when made out of any regular course of succession, marks that degree of countenance and support at home which may overshadow the existing government. That government may thereby be disturbed by factions, and led to corrupt and dangerous compliances. At best, when these counselors-elect are engaged in no fixed employment, and have no lawful intermediate emolument, the natural impa-

tience for their situations may bring on a traffic for resignations between them and the persons in possession, very unfavorable to the interests of the public and to the duty of their situations. . . .

### *Failure of the 1773 Act*

Your committee find that during the whole period which elapsed from 1773 to the commencement of 1782 disorders and abuses of every kind multiplied. Wars contrary to policy and contrary to public faith were carrying on in various parts of India. The allies, dependents, and subjects of the company were everywhere oppressed; dissensions in the Supreme Council prevailed, and continued for the greater part of that time; the contests between the civil and judicial powers threatened that issue to which they came at last, an armed resistance to the authority of the king's court of justice; the orders which by an act of Parliament the servants were bound to obey were avowedly and on principle contemned. . . .

In all this time the true state of the several presidencies, and the real conduct of the British government towards the natives, was not at all known to Parliament: it seems to have been very imperfectly known even to ministers. Indeed, it required an unbroken attention, and much comparison of facts and reasonings, to form a true judgment on that difficult and complicated system of politics, revenue, and commerce, whilst affairs were only in their progress to that state which produced the present inquiries. . Therefore, whilst the causes of their ruin were in the height of their operation, both the company and the natives were understood by the public as in circumstances the most assured and most flourishing; insomuch that, whenever the affairs of India were brought before Parliament, as they were two or three times during that period, the only subject-matter of discussion anywise important was concerning the sums which might be taken out of the company's surplus profits for the advantage of the state. Little was thought of but the disengagement of the company from their debts in *England*, and to prevent the servants abroad from drawing upon them, so as that body might be enabled, without exciting clamors here, to afford the contribution that was demanded. All descriptions of persons, either here or in India, looking solely to appearances at home, the reputation of the directors depended on the keeping the company's sales in a situation to support the dividend; that of the ministers depended on the most lucrative bargains for the Exchequer, and that of the servants abroad on the largest investments; until at length there is great reason to appre-

hend that, unless some very substantial reform takes place in the management of the company's affairs, nothing will be left for investment, for dividend, or for bargain, and India, instead of a resource to the public, may itself come, in no great length of time, to be reckoned amongst the public burdens.

In this manner the inspection of the ministers of the crown, the great cementing regulation of the whole act of 1773, has, along with all the others, entirely failed in its effect.

Your committee, in observing on the failure of this act, do not consider the intrinsic defects or mistakes in the law itself as the sole cause of its miscarriage. The general policy of the nation with regard to this object has been, they conceive, erroneous; and no remedy by laws, under the prevalence of that policy, can be effectual. Before any remedial law can have its just operation, the affairs of India must be restored to their natural order. The prosperity of the natives must be previously secured before any profit from them whatsoever is attempted. For as long as a system prevails which regards the transmission of great wealth to this country, either for the company or the state, as its principal end, so long will it be impossible that those who are the instruments of that scheme should not be actuated by the same spirit for their own private purposes. It will be worse they will support the injuries done to the natives for their selfish ends by new injuries done in favor of those before whom they are to account. . . .

### 3. *Fox's East India Bill*

¶ When the North government fell and was replaced by the second Rockingham administration in March 1782, the India question was second only to the lost conflict with America in claiming the attention of Parliament. In April, Henry Dundas presented the reports of the Secret Committee to inquire into the Carnatic war, and a record of crimes was laid before the House of Commons in an hour of imperial catastrophe. A number of condemnatory resolutions were passed. The East India Company officials at Madras, Bombay, and Calcutta were censured Governor-General Hastings in Bengal and President Hornby of the Bombay Council were declared to have "in sundry instances acted in a manner repugnant to the honor and policy of the nation, and thereby brought great calamities on India." The directors of the company were ordered by Parliament to recall these men, and an address to the King for the recall of Justice Impey was voted.

The Court of Directors agreed to obey the parliamentary demand for Hastings's recall, but just at this juncture Lord Rockingham's death broke up the government.<sup>9</sup> The King appointed Lord Shelburne Prime Minister, and Charles Fox, who had been Foreign Secretary, refused to serve under Shelburne. Fox's friends, including Burke, left office. This change emboldened the East India Court of Proprietors, who regarded Hastings as a hero instead of a criminal, to overrule the directors by negating the recall of Hastings. Shelburne, who was not hostile to Hastings, was too much engaged in peace negotiations to pursue the India business. No new measures were adopted until he gave way, in April 1783, to the coalition formed by the followers of Fox and North under the nominal leadership of the Earl of Portland.<sup>10</sup> Burke had an important hand in arranging this curious combination of the followers of George III's former favorite and most hated enemy, and he re-entered office as Paymaster-General. The Fox-North coalition held office until December 1783, and its most important legislative undertaking was Fox's East India Bill, which was presented on November 18.

The bill was derived chiefly from Burke's studies in the Select Committee, and was rather his bill than Fox's. It proposed to take the affairs of the East India Company out of the hands of the directors and proprietors and lodge the entire management in eight commissioners. These would be appointed in the first instance by Parliament itself, and eight political friends of Fox were actually named in the bill; but their successors would be appointed by the crown. The commissioners would hold office on good behavior and not be dependent on the ministers of the day. The bill passed the Commons despite strong protests from the India proprietors and directors and a spirited opposition — notably from young William Pitt and Henry Dundas. The arguments of the opponents were strikingly similar to those used by Burke and his friends against the act of 1773: it was an infringement of the charter that would militate against all chartered rights; it would endanger the constitution of the country by establishing an influence independent of Parliament; it would give Fox (instead of George III) control of the India patronage, and he could use it to make himself a dictator. Burke spoke for the bill on December 1. It was his classic utterance on the India question.

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<sup>9</sup> Rockingham died July 1, 1782

<sup>10</sup> In June the Committee Report on India, given in the preceding section of this chapter, was presented to Parliament.



All the wisdom and solid learning he had gained from his painstaking inquiries since 1781 was presented to the House of Commons:<sup>11</sup> ¶

. . . Our inquiries are now come to their final issue. It is now to be determined whether the three years of laborious parliamentary research, whether the twenty years of patient Indian suffering, are to produce a substantial reform in our Eastern administration; or whether our knowledge of the grievances has abated our zeal for the correction of them, and our very inquiry into the evil was only a pretext to elude the remedy which is demanded from us by humanity, by justice, and by every principle of true policy. Depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanor.

I am therefore a little concerned to perceive the spirit and temper in which the debate has been all along pursued upon one side of the House. The declamation of the gentlemen who oppose the bill has been abundant and vehement; but they have been reserved and even silent about the fitness or unfitness of the plan to attain the direct object it has in view. By some gentlemen it is taken up (by way of exercise, I presume) as a point of law, on a question of private property and corporate franchise; by others it is regarded as the petty intrigue of a faction at court, and argued merely as it tends to set this man a little higher or that a little lower in situation and power. All the void has been filled up with invectives against coalition, with allusions to the loss of America, with the activity and inactivity of ministers. The total silence of these gentlemen concerning the interest and well-being of the people of India, and concerning the interest which this nation has in the commerce and revenues of that country, is a strong indication of the value which they set upon these objects.

It has been a little painful to me to observe the intrusion into this important debate of such company as *quo warranto*, and *mandamus*, and *certiorari* as if we were on a trial about mayors and aldermen and capital burgesses, or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes. Gentlemen have argued with as much heat and passion as if the first things in the world were at stake; and their topics are such as belong only to matter of the lowest and meanest litigation. It is not right, it is not worthy of us, in this manner to

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<sup>11</sup> Works, II, 433-536

depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the bill originated from a Secretary of State for the Home Department or from a Secretary for the Foreign, from a minister of influence or a minister of the people, from Jacob or from Esau. I asked myself, and I asked myself nothing else, what part it was fit for a member of Parliament who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged by the research of years to wind himself into the inmost recesses and labyrinths of the Indian detail — what part, I say, it became such a member of Parliament to take when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the East. In this light, and in this only, I will trouble you with my sentiments.

### *"The Chartered Rights of Men"*

. . . I must beg leave to observe that if we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation, but none for sacrificing the people of that country to our constitution. I am, however, far from being persuaded that any such incompatibility of interest does at all exist. On the contrary, I am certain that every means effectual to preserve India from oppression is a guard to preserve the British constitution from its worst corruption. . . .

The rights of *men* — that is to say, the natural rights of mankind — are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject can never be subverted but by rooting up the holding radical principles of government, and even of society itself. The charters which we call

by distinction *great* are public instruments of this nature: I mean the charters of King John and King Henry the Third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called *the chartered rights of men*.

### *The Company's Charter Is a Trust*

These charters have made the very name of a charter dear to the heart of every Englishman. But, Sir, there may be, and there are, charters, not only different in nature, but formed on principles *the very reverse* of those of the Great Charter. Of this kind is the charter of the East India Company. *Magna Charta* is a charter to restrain power and to destroy monopoly. The East India charter is a charter to establish monopoly and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from charters it is fallacious and sophistical to call "the chartered rights of men." These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large, and in their very frame and constitution are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say, a charter of power and monopoly) which is affected by the bill before you. The bill, Sir, does without question affect it: it does affect it essentially and substantially. But, having stated to you of what description the chartered rights are which this bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights in their fullest extent. They belong to the company in the surest manner, and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of Parliament: they have been bought for money, for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling, to command an army of sixty thousand men, and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter, and by acts of Parliament (in my opinion), without a shadow of controversy.

. . . But, granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all

privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you choose to call them, are all in the strictest sense a trust: and it is of the very essence of every trust to be rendered accountable; and even totally to *cease* when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate *derivative* trusts I do not see how a controversy can be maintained. To whom, then, would I make the East India Company accountable? Why, to Parliament, to be sure; to Parliament, from whom their trust was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse, and alone capable of an effectual legislative remedy. The very charter which is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the company is the very thing which at once gives a title and imposes a duty on us to interfere with effect wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority is in truth and reason for this House to be an active accomplice in the abuse. . . .

### *"The Magna Charta of Hindostan"*

I ground myself, therefore, on this principle: that if the abuse is proved, the contract is broken, and we re-enter into all our rights; that is, into the exercise of all our duties. Our own authority is, indeed, as much a trust originally as the company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption

of it. When we have perfected the plan laid before us by the right honorable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found, in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that in one and the same plan we provide a real chartered security for *the rights of men*, cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the Treaty of Westphalia is to the liberty of the princes and free cities of the Empire, and to the three religions there professed; whatever the Great Charter, the Statute of Tallage, the Petition of Right, and the Declaration of Right are to Great Britain, these bills are to the people of India. Of this benefit I am certain their condition is capable: and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

### *Conditions for Attacking the Company's Charter*

The strong admission I have made of the company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *a priori* against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be, said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen, and I have seen persons in the rank of statesmen with the conceptions and character of peddlers. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education which tends wholly to disqualify men for the functions of government but that by which the power of exercising those functions is very frequently obtained: I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out

of the hands of the East India Company, on my principles, I must see several conditions. 1st, The object affected by the abuse should be great and important. 2nd, The abuse affecting this great object ought to be a great abuse. 3rd, It ought to be habitual, and not accidental. 4th, It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun before I should strike off an atom of their charter. A right honorable gentleman<sup>12</sup> has said, and said, I think, but once, and that very slightly (whatever his original demand for a plan might seem to require), that "there are abuses in the company's government." If that were all, the scheme of the mover of this bill, the scheme of his learned friend, and his own scheme of reformation (if he has any) are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are of which the gentleman speaks so very lightly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do that you may judge whether in that map I can discover anything like the first of my conditions: that is, whether the object affected by the abuse of the East India Company's power be of importance sufficient to justify the measure and means of reform applied to it in this bill.

### *Magnitude and Nature of the Company's Empire*

With very few, and those inconsiderable intervals, the British dominion, either in the company's name or in the names of princes absolutely dependent upon the company, extends from the mountains that separate India from Tartary to Cape Comorin; that is, one-and-twenty degrees of latitude!

In the northern parts it is a solid mass of land, about eight hundred miles in length, and four or five hundred broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but, narrower or broader, you possess the whole eastern and northeastern coast of that vast country, quite from the borders of Pegu.<sup>13</sup> Bengal, Bahar, and Orissa, with Benares<sup>14</sup> (now unfortunately in our immediate possession), measure 161,978 square English miles: a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles: not a great deal less than England. The

<sup>12</sup> Mr. Pitt.

<sup>13</sup> Southern Burma.

<sup>14</sup> Acquired by Hastings.

Carnatic, with Tanjore and the Circars, is 65,948 square miles: very considerably larger than England. And the whole of the company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries of which it is composed came into our possession, they were all eminently peopled, and eminently productive—though at that time considerably declined from their ancient prosperity. But since they are come into our hands! —! However, if we make the period of our estimate immediately before the utter desolation of the Carnatic,<sup>15</sup> and if we allow for the havoc which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls: more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the River of Amazons or the Plate; but a people for ages civilized and cultivated—cultivated by all the arts of polished life, whilst we were yet in the woods. There have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There are to be found the chiefs of tribes and nations. There is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the Bank of England, whose credit had often supported a tottering state and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men—the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there,

<sup>15</sup> In 1780.

I should compare it, as the nearest parallel I can find, with the Empire of Germany. Our immediate possessions I should compare with the Austrian dominions; and they would not suffer in the comparison. The Nabob of Oude might stand for the King of Prussia; the Nabob of Arcot I would compare, as superior in territory and equal in revenue, to the Elector of Saxony. Chert Sing, the Rajah of Benares, might well rank with the Prince of Hesse, at least; and the Rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue) to the Elector of Bavaria. The polygars and the northern zemindars, and other great chiefs, might well class with the rest of the princes, dukes, counts, marquises, and bishops in the Empire; all of whom I mention to honor, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in a high degree critical and delicate. But, oh, it has been handled rudely indeed! Even some of the reformers seem to have forgot that they had anything to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of this dignity and importance, that I have compared to Germany and the German government — not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings, and, if possible, to our feelings, in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium

### *The Company's Abuse of Its Trust*

My second condition necessary to justify me in touching the charter is, whether the company's abuse of their trust with regard to this great object be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights first the political, and then the commercial. Their political conduct . . . I divide again into two heads. the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such; the other internal — namely, their conduct to the countries either immediately subject to the company, or to those who, under the



apparent government of native sovereigns, are in a state much lower and much more miserable than common subjection. . . .

¶ [At this point Burke entered into a lengthy, detailed indictment against the company's servants, especially Governor-General Hastings, for financial extortion, brutality, deception, and infidelity to treaty engagements.] ¶

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound, to declare against those chartered rights which produce so many wrongs. I should deem myself the wickedest of men if any vote of mine could contribute to the continuance of so great an evil.

Now, Sir, according to the plan I proposed, I shall take notice of the company's internal government as it is exercised first on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, Sir, before I enter into the spirit of their interior government, permit me to observe to you upon a few of the many lines of difference which are to be found between the vices of the company's government and those of the conquerors who preceded us in India, that we may be enabled a little the better to see our way in an attempt to the necessary reformation.

The several irruptions of Arabs, Tartars, and Persians into India were, for the greater part, ferocious, bloody, and wasteful in the extreme: our entrance into the dominion of that country was, as generally, with small comparative effusion of blood — being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity which the several country powers bear towards each other, rather than by open force. But the difference in favor of the first conquerors is this. The Asiatic conquerors very soon abated of their ferocity, because they made the conquered country their own. They rose or fell with the rise or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all that their lot should not be cast in a bad land. Poverty, sterility, and desolation are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man,

to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity; but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the gray head of an Englishman. Young men (boys almost) govern there, without society and without sympathy with the natives. They have no more social habits with the people than if they still resided in England — nor, indeed, any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age and all the impetuosity of youth, they roll in one after another, wave after wave, and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman is lost forever to India. With us are no retributory superstitions by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals, no palaces, no schools; England has built no bridges, made no highroads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by anything better than the orangoutang or the tiger.

There is nothing in the boys we send to India worse than in the boys whom we are whipping at school, or that we see trailing a pike or bending over a desk at home. But as English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are full grown in fortune long before they are ripe in principle, neither nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India all the vices operate by which sudden fortune is acquired: in England are often displayed, by the same persons, the virtues which dispense hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppressions and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely a house in the kingdom that does not feel some concern and interest that makes all reform of our Eastern government appear officious and disgusting, and, on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness or to resent injury. If you succeed, you save those who cannot so much as give you thanks. All these things show the difficulty of the work we have on hand; but they show its necessity, too. Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous, and the work of men sanguine, warm, and even impassioned in the cause. But it is an arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

I shall certainly endeavor to modulate myself to this temper; though I am sensible that a cold style of describing actions which appear to me in a very affecting light is equally contrary to the

justice due to the people and to all genuine human feelings about them I ask pardon of truth and nature for this compliance. But I shall be very sparing of epithets either to persons or things. It has been said (and, with regard to one of them, with truth) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny; and that they corrupt the minds of their readers by not expressing the detestation and horror that naturally belong to horrible and detestable proceedings. But we are in general, Sir, so little acquainted with Indian details, the instruments of oppression under which the people suffer are so hard to be understood, and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come downstairs from the commuttee-room with impressions on our minds which to us were the inevitable results of our discoveries, yet if we should venture to express ourselves in the proper language of our sentiments to other gentlemen not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behavior. All these circumstances are not, I confess, very favorable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer, and we must do the best we can in our situation. The situation of man is the preceptor of his duty. . . .

¶ [Here Burke resumed his detailed bill of particulars against the company, and especially Hastings ] ¶

In effect, Sir, every legal, regular authority, in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding to guide them in India, is at present the state of your charter-government over great kingdoms.

As the company has made this use of their trust, I should ill discharge mine if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation and of mankind into

some steady hands, possessing the confidence and assured of the support of this House, until they can be restored to regularity, order, and consistency.

I have touched the heads of some of the grievances of the people and the abuses of government. But I hope and trust you will give me credit when I faithfully assure you that I have not mentioned one fourth part of what has come to my knowledge in your committee; and further, I have full reason to believe that not one fourth part of the abuses are come to my knowledge, by that or by any other means. Pray consider what I have said only as an index to direct you in your inquiries.

If this, then, Sir, has been the use made of the trust of political powers, internal and external, given by you in the charter, the next thing to be seen is the conduct of the company with regard to the commercial trust. And here I will make a fair offer. If it can be proved that they have acted wisely, prudently, and frugally, as merchants, I shall pass by the whole mass of their enormities as statesmen. That they have not done this their present condition is proof sufficient. Their distresses are said to be owing to their wars. This is not wholly true. But if it were, is not that readiness to engage in wars which distinguishes them, and for which the committee of secrecy has so branded their politics, founded on the falsest principles of mercantile speculation?

The principle of buying cheap and selling dear is the first, the great foundation of mercantile dealing. Have they ever attended to this principle? Nay, for years have they not actually authorized in their servants a total indifference as to the prices they were to pay?

A great deal of strictness in driving bargains for whatever we contract is another of the principles of mercantile policy. Try the company by that test. Look at the contracts that are made for them. Is the company so much as a good commissary to their own armies? I engage to select for you, out of the innumerable mass of their dealings, all conducted very nearly alike, one contract only the excessive profits on which during a short term would pay the whole of their year's dividend. I shall undertake to show that upon two others the inordinate profits given, with the losses incurred in order to secure those profits, would pay a year's dividend more.

It is a third property of trading-men to see that their clerks do not divert the dealings of the master to their own benefit. It was the other day only, when their Governor and council taxed the company's investment with a sum of fifty thousand pounds as an

inducement to persuade only seven members of their Board of Trade<sup>18</sup> to give their *honor* that they would abstain from such profits upon that investment as they must have violated their *oaths* if they had made at all.

It is a fourth quality of a merchant to be exact in his accounts. What will be thought when you have fully before you the mode of accounting made use of in the treasury of Bengal? I hope you will have it soon. With regard to one of their agencies, when it came to the material part, the prime cost of the goods on which a commission of fifteen per cent was allowed, to the astonishment of the factory to whom the commodities were sent, the accountant-general reports that he did not think himself authorized to call for *vouchers* relative to this and other particulars—because the agent was upon his *honor* with regard to them. A new principle of account upon honor seems to be regularly established in their dealings and their treasury, which in reality amounts to an entire annihilation of the principle of all accounts.

It is a fifth property of a merchant who does not meditate a fraudulent bankruptcy to calculate his probable profits upon the money he takes up to vest in business. Did the company, when they bought goods on bonds bearing eight per cent interest, at ten and even twenty per cent discount, even ask themselves a question concerning the possibility of advantage from dealing on these terms?

The last quality of a merchant I shall advert to is the taking care to be properly prepared, in cash or goods in the ordinary course of sale, for the bills which are drawn on them. Now I ask whether they have ever calculated the clear produce of any given sales, to make them tally with the four million of bills which are come and coming upon them, so as at the proper periods to enable the one to liquidate the other. No, they have not. They are now obliged to borrow money of their own servants to purchase their investment. The servants stipulate five per cent on the capital they advance, if their bills should not be paid at the time when they become due; and the value of the rupee on which they charge this interest is taken at two shillings and a penny. Has the company ever troubled themselves to inquire whether their sales can bear the payment of that interest, and at that rate of exchange? Have they once considered the dilemma in which they are placed: the ruin of their credit in the East Indies if they refuse the bills—the ruin of their credit and existence in England if they accept them?

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<sup>18</sup> See above, p. 244.

Indeed, no trace of equitable government is found in their politics, not one trace of commercial principle in their mercantile dealing; and hence is the deepest and maturest wisdom of Parliament demanded, and the best resources of this kingdom must be strained, to restore them; that is, to restore the countries destroyed by the misconduct of the company, and to restore the company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.

I required, if you remember, at my outset, a proof that these abuses were habitual. But surely this is not necessary for me to consider as a separate head; because I trust I have made it evident beyond a doubt, in considering the abuses themselves, that they are regular, permanent, and systematical.

### *The Company's Government Is Incurrigible*

I am now come to my last condition, without which, for one, I will never readily lend my hand to the destruction of any established government, which is: that, in its present state, the government of the East India Company is absolutely incurrigible.

Of this great truth I think there can be little doubt, after all that has appeared in this House. It is so very clear that I must consider the leaving any power in their hands, and the determined resolution to continue and countenance every mode and every degree of peculation, oppression, and tyranny, to be one and the same thing. I look upon that body [as] incurrigible, from the fullest consideration both of their uniform conduct and their present real and virtual constitution.

If they had not constantly been apprised of all the enormities committed in India under their authority, if this state of things had been as much a discovery to them as it was to many of us, we might flatter ourselves that the detection of the abuses would lead to their reformation. I will go further. If the Court of Directors had not uniformly condemned every act which this House or any of its committees had condemned, if the language in which they expressed their disapprobation against enormities and their authors had not been much more vehement and indignant than any ever used in this House, I should entertain some hopes. If they had not, on the other hand, as uniformly commended all their servants who had done their duty and obeyed their orders as they had heavily censured those who rebelled, I might say: these people have been in an error, and when they are sensible of it they will mend. But when I reflect on the uniformity of their support to the objects of their uniform censure, and the state of

insignificance and disgrace to which all of those have been reduced whom they approved, and that even utter ruin and premature death have been among the fruits of their favor, I must be convinced that in this case, as in all others, hypocrisy is the only vice that never can be cured.

Attend, I pray you, to the situation and prosperity of Benfield, Hastings, and others of that sort. The last of these has been treated by the company with an asperity of reprehension that has no parallel. They lament "that the power of disposing of their property for perpetuity should fall into such hands." Yet for fourteen years, with little interruption, he has governed all their affairs, of every description, with an absolute sway. He has had himself the means of heaping up immense wealth; and during that whole period the fortunes of hundreds have depended on his smiles and frowns. He himself tells you he is encumbered with two hundred and fifty young gentlemen, some of them of the best families in England, all of whom aim at returning with vast fortunes to Europe in the prime of life. He has, then, two hundred and fifty of your children at his hostages for your good behavior; and loaded for years, as he has been, with the execrations of the natives, with the censures of the Court of Directors, and struck and blasted with resolutions of this House, he still maintains the most despotic power ever known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offenses in this House, even as grounds of a legislative remedy. . . .

Add to this that, from the highest in place to the lowest, every British subject who, in obedience to the company's orders, has been active in the discovery of speculations has been ruined. They have been driven from India. When they made their appeal at home, they were not heard; when they attempted to return, they were stopped. No artifice of fraud, no violence of power, has been omitted to destroy them in character as well as in fortune. . . .

### *The Company has been Plundered by Its Servants*

When I accuse the Court of Directors . . . I do not mean to include all the individuals in that court. There have been, Sir, very frequently men of the greatest integrity and virtue amongst them; and the contrariety in the declarations and conduct of that court has arisen, I take it, from this: that the honest directors have, by the force of matter of fact on the records, carried the reprobation of the evil measures of the servants in India. This could not



be prevented whilst these records stared them in the face; nor were the delinquents, either here or there, very solicitous about their reputation as long as they were able to secure their power. The agreement of their partisans to censure them blunted for a while the edge of a severe proceeding. It obtained for them a character of impartiality, which enabled them to recommend with some sort of grace, what will always carry a plausible appearance, those treacherous expedients called moderate measures. Whilst these were under discussion, new matter of complaint came over, which seemed to antedate the first. The same circle was here trod round once more; and thus through years they proceeded in a compromise of censure for punishment, until, by shame and despair, one after another, almost every man who preferred his duty to the company to the interest of their servants has been driven from that court.

This, Sir, has been their conduct: and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and as public and declared as it is fixed beyond all power of reformation; so that there is none who hears me that is not as certain as I am that the company, in the sense in which it was formerly understood, has no existence.

The question is not what injury you may do to the proprietors of India stock; for there are no such men to be injured. If the active, ruling part of the company, who form the General Court, who fill the offices and direct the measures (the rest tell for nothing), were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India for the rise or fall of their dividend, it would be indeed a defective plan of policy. The interest of the people who are governed by them would not be their primary object — perhaps a very small part of their consideration at all. But then they might well be depended on, and perhaps more than persons in other respects preferable, for preventing the speculations of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a director or proprietor; and it is impossible that it should. A director's qualification may be worth about two thousand five hundred pounds; and the interest, at eight per cent, is about one hundred and sixty pounds a year. Of what value is that, whether it rise to ten or fall to six, or to nothing, to him whose son, before he is in

Bengal two months, and before he descends the steps of the council-chamber, sells the grant of a single contract for forty thousand pounds? Accordingly, the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power who has made an obnoxious fortune in India, or to maintain in power those who are actually employing it in the acquisition of such a fortune — and to avail themselves, in return, of his patronage, that he may shower the spoils of the East, "barbaric pearl and gold," on them, their families, and dependants. So that all the relations of the company are not only changed, but inverted. The servants in India are not appointed by the directors, but the directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The house in Leadenhall Street is nothing more than a 'change for their agents, factors, and deputies to meet in, to take care of their affairs and support their interests — and this so avowedly that we see the known agents of the delinquent servants marshaling and disciplining their forces, and the prime spokesmen in all their assemblies.

Everything has followed in this order, and according to the natural train of events. I will close what I have to say on the incorrigible condition of the company by stating to you a few facts that will leave no doubt of the obstinacy of that corporation, and of their strength too, in resisting the reformation of their servants. By these facts you will be enabled to discover the sole grounds upon which they are tenacious of their charter.

### *The Company's Contempt of Parliament*

It is now more than two years that upon account of the gross abuses and ruinous situation of the company's affairs (which occasioned the cry of the whole world long before it was taken up here) that we instituted two committees<sup>17</sup> to inquire into the mismanagements by which the company's affairs had been brought to the brink of ruin. These inquiries had been pursued with unremitting diligence, and a great body of facts was collected and printed for general information. In the result of those inquiries, although the committees consisted of very different descriptions, they were unanimous. They joined in censuring the conduct of the Indian administration, and enforcing the responsibility upon two men, whom this House, in consequence of these

<sup>17</sup> See above, p. 238.

reports, declared it to be the duty of the directors to remove from their stations and recall to Great Britain, "*because they had acted in a manner repugnant to the honor and policy of this nation, and thereby brought great calamities on India and enormous expenses on the East India Company.*"

Here was no attempt on the charter. Here was no question of their privileges. To vindicate their own honor, to support their own interests, to enforce obedience to their own orders—these were the sole object of the monitory resolution of this House. But as soon as the General Court could assemble, they assembled to demonstrate who they really were. Regardless of the proceedings of this House, they ordered the directors not to carry into effect any resolution they might come to for the removal of Mr. Hastings and Mr. Hornby. The directors, still retaining some shadow of respect to this House, instituted an inquiry themselves, which continued from June to October, and, after an attentive perusal and full consideration of papers, resolved to take steps for removing the persons who had been the objects of our resolution, but not without a violent struggle against evidence. Seven directors went so far as to enter a protest against the vote of their court. Upon this the General Court takes the alarm: it reassembles; it orders the directors to rescind their resolution—that is, not to recall Mr. Hastings and Mr. Hornby—and to despise the resolution of the House of Commons. Without so much as the pretense of looking into a single paper, without the formality of instituting any committee of inquiry, they superseded all the labors of their own directors and of this House.

It will naturally occur to ask how it was possible that they should not attempt some sort of examination into facts, as a color for their resistance to a public authority proceeding so very deliberately, and exerted, apparently at least, in favor of their own. The answer, and the only answer which can be given, is that they were afraid that their true relation should be mistaken. They were afraid that their patrons and masters in India should attribute their support of them to an opinion of their cause, and not to an attachment to their power. They were afraid it should be suspected that they did not mean blindly to support them in the use they made of that power. They determined to show that they at least were set against reformation: that they were firmly resolved to bring the territories, the trade, and the stock of the company to ruin, rather than be wanting in fidelity to their nominal servants and real masters, in the ways they took to their private fortunes.

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this House. . . . The company has made a common cause and identified themselves with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud, those you order home to answer for their conduct they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands, just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world. . . .

It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, in the like case they have no security at all; no, no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment, no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept when their purposes are maintained; they are violated when the privilege is supported against its end and its object. . . .

### *Burke's Tribute to Charles Fox*

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary — not so much in justice to him as to my own feelings. I must say, then, that it will be a distinction

honorable to the age that the rescue of the greatest number of the human race that ever were so grievously oppressed from the greatest tyranny that was ever exercised has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember that obloquy is a necessary ingredient in the composition of all true glory: he will remember that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind which only exists for honor under the burden of temporary reproach. He is doing, indeed, a great good — such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much; but here is the summit: he never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the luster and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least with truth: that he secures the rice in his pot to every man in India. . . . There is not a tongue, a nation, or religion in India which will not bless the presiding care and manly beneficence of this House, and of

him who proposes to you this great work Your names will never be separated before the throne of the Divine Goodness, in what ever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in His universal bounty to His creatures These honors you deserve, and they will surely be paid, when all the jargon of influence and party and patronage are swept into oblivion

. . . For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labors of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation and the destruction of so large a part of the human species.

¶ Fox's East India bill was carried by a two-to-one vote in the House of Commons, but company interests and crown influence prevailed against it in the House of Lords Its defeat was the occasion for George III's discharge of the Fox-North coalition government and the assumption of the premiership by young William Pitt, who in 1784 carried through Parliament a modified India reform measure. It established a system of double government, which lasted until 1858. The political power exercised by the Court of Directors was entirely subordinated to a Board of Control appointed by the crown. The Indian patronage was retained by the directors, but the governor-general and the presidents and members of councils were appointed and removable by the crown. The authority of the governor-general and his council over the minor presidencies was strengthened; regulations were made to prevent extortion by company officers, and a special court was instituted for trial of those charged with misconduct.

Meanwhile Burke continued his investigations of the Hastings regime in India Out of these arose the impeachment proceedings against Hastings and the famous trial before the House of Lords which was opened in February 1788. Burke took the lead in this and it occupied him almost exclusively until the outbreak of the French Revolution. The trial was concluded in 1794, and a verdict of acquittal was given the following year. Reviewing his public life, Burke wrote in 1796 that if he were to call for a reward "it should be for those [services] in which for fourteen years . . . I showed the most industry and had the least success: I mean in the affairs of India. They are those on which I value myself the most: most for the importance, most for the labor, most for the judgment, most for the constancy and perseverance in the pur-

suit. Others may value them most for the *intention*. In that, surely, they are not mistaken."

Impartial historians have not concurred with Burke in this estimate. All agree that his powerful imagination and hot passions clouded his judgment, and that partisan prejudice crept into and corrupted his sense of justice in the Hastings case. But all agree, too, that the impeachment and trial were a landmark in the history of reformation in the British Empire. Burke failed to convict Hastings, but he succeeded splendidly in raising the level of political *morality* in British imperialism. ¶



## VII

### The French Revolution

#### 1. *The Fall of the Old Regime*

IN the course of 1788 and the early months of 1789, Burke's reputation suffered not only from his participation in the Hastings trial, but also from his conduct in Parliament with respect to the establishment of a regency. When George III became insane in November 1788, the Whigs relished the prospect that the Prince of Wales—the close friend of Fox—would become regent. Owing to the cool and at times bitter relations between George III and his heir, the Pitt administration seemed destined for a speedy dismissal and the Whigs for a return to power. In these circumstances the Prime Minister introduced a regency bill aimed at limiting the exercise of power by the King's unruly son. In the debates on the measure Burke spoke with extreme violence against both the King and the administration. By doing so he not only hurt his party and himself, but spoke in vain, for the King disconcerted the Whigs by recovering his mental faculties. In the meantime, however, a chain of events which were to be Burke's principal interest for the remaining years of his life began to unfold.

Twenty years earlier, in his *Observations on . . . "The Present State of the Nation,"* Burke had written of the French people:<sup>1</sup> "under such extreme straitness and distraction labors the whole body of their finances, so far does their charge outrun their supply in every particular, that no man, I believe, who has considered their affairs with any degree of attention or information but must hourly look for some extraordinary convulsion in that whole system: the effect of which on France, and even on all Europe, it is difficult to conjecture." The commencement of that "extraordinary convulsion" was now at hand.

Ever since the accession of Louis XVI to the French throne in 1774, the efforts of several finance ministers to remedy the chronic deficit of the state had proved unavailing, largely because of the

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<sup>1</sup> Works, I, 331.



refusal of the Parliament of Paris (which was primarily a court rather than a parliament in the English sense of the word) to register and thereby give legal force to numerous decrees directed at fiscal and economic reform. Unable to overcome the Parliament's opposition, the King consented, in 1788, to convoke a States-General, an assembly representative of the three political classes, or estates (clergy, nobility, and commoners). Although all earlier States-General, the most recent of which had met in 1614, had sat as three separate houses and voted by order, the Third Estate (the commoners) of the States-General which convened at Versailles in May 1789 insisted that all the deputies sit as a single assembly and vote by head. Following a series of incidents indicative of the deep chasm between the proponents and opponents of a thorough reorganization of the traditional political and social order, Louis agreed on June 27 to recognize a unicameral National Assembly composed of the members of the three orders. Shortly after this victory of "the reformers" — which substantially committed France to a new constitution — the role that mob violence was to play in the Revolution then being inaugurated was foreshadowed by an attack of the populace of Paris upon the Bastille. Early in August, the National Assembly decreed an end to all the feudal privileges of the old regime, and later in the month adopted a *Declaration of the Rights of Man and of the Citizen* as a preamble to a new constitution. Then, on October 5-6, when the King appeared hesitant to give his approval to all that the Assembly had thus far accomplished, a Parisian mob under the management of adroit demagogues marched to Versailles and brought the royal family captive to the metropolis. In the same month Burke wrote the following letter to a French acquaintance, M. Dupont: <sup>2</sup> ¶

. . . You may easily believe that I have had my eyes turned, with great curiosity, to the astonishing scene now displayed in France. It has certainly given rise in my mind to many reflections, and to some emotions. These are natural and unavoidable; but it would ill become me to be too ready in forming a positive opinion upon matters transacted in a country with the correct political map of which I must be very imperfectly acquainted. . . .

You hope, Sir, that I think the French deserving of liberty. I certainly do. I certainly think that all men who desire it deserve it. It is not the reward of our merit, or the acquisition of our industry. It is our inheritance. It is the birthright of our species.

<sup>2</sup> - *Correspondence*, III, 102-21.

We cannot forfeit our right to it but by what forfeits our title to the privileges of our kind I mean the abuse, or oblivion, of our rational faculties, and a ferocious indocility which makes us prompt to wrong and violence, destroys our social nature, and transforms us into something little better than the description of wild beasts. To men so degraded, a state of strong constraint is a sort of necessary substitute for freedom; since, bad as it is, it may deliver them in some measure from the worst of all slavery—that is, the despotism of their own blind and brutal passions.

You have kindly said that you began to love freedom from your intercourse with me. Permit me then to continue our conversation, and to tell you what the freedom is that I love, and that to which I think all men entitled. This is the more necessary because, of all the loose terms in the world, liberty is the most indefinite. It is not solitary, unconnected, individual, selfish liberty, as if every man was to regulate the whole of his conduct by his own will. The liberty I mean is *social* freedom. It is that state of things in which liberty is secured by the equality of restraint. A constitution of things in which the liberty of no one man, and no body of men, and no number of men, can find means to trespass on the liberty of any person, or any description of persons, in the society. This kind of liberty is, indeed, but another name for justice; ascertained by wise laws, and secured by well-constructed institutions. I am sure that liberty, so incorporated, and in a manner identified with justice, must be infinitely dear to everyone who is capable of conceiving what it is. But whenever a separation is made between liberty and justice, neither is, in my opinion, safe. I do not believe that men ever did submit, certain I am that they never ought to have submitted, to the arbitrary pleasure of one man; but, under circumstances in which the arbitrary pleasure of many persons in the community pressed with an intolerable hardship upon the just and equal rights of their fellows, such a choice might be made, as among evils. The moment *will* is set above reason and justice, in any community, a great question may arise in sober minds in what part or portion of the community that dangerous dominion of *will* may be the least mischievously placed.

If I think all men who cultivate justice entitled to liberty, and, when joined in states, entitled to a constitution framed to perpetuate and secure it, you may be assured, sir, that I think your countrymen eminently worthy of a blessing which is peculiarly adapted to noble, generous, and humane natures. Such I found the French when, more than fifteen years ago, I had the happi-

ness, though but for too short a time, of visiting your country; and I trust their character is not altered since that period.

### *What Liberty Means in Practice*

I have nothing to check my wishes towards the establishment of a solid and rational scheme of liberty in France. On the subject of the relative power of nations I may have my prejudices; but I envy internal freedom, security, and good order to none. When, therefore, I shall learn that, in France, the citizen, by whatever description he is qualified, is in a perfect state of legal security with regard to his life, to his property, to the uncontrolled disposal of his person, to the free use of his industry and his faculties: when I hear that he is protected in the beneficial enjoyment of the estates to which, by the course of settled law, he was born, or is provided with a fair compensation for them; that he is maintained in the full fruition of the advantages belonging to the state and condition of life in which he had lawfully engaged himself, or is supplied with a substantial, equitable, equivalent: when I am assured that a simple citizen may decently express his sentiments upon public affairs without hazard to his life or safety, even though against a predominant and fashionable opinion: when I know all this of France, I shall be as well pleased as everyone must be who has not forgot the general communion of mankind, nor lost his natural sympathy, in local and accidental connections.

If a constitution is settled in France upon those principles, and calculated for those ends, I believe there is no man in this country whose heart and voice would not go along with you. I am sure it will give me, for one, a heartfelt pleasure when I hear that, in France, the great public assemblies, the natural securities for individual freedom, are perfectly free themselves; when there can be no suspicion that they are under the coercion of a military power of any description; when it may be truly said that no armed force can be seen which is not called into existence by their creative voice, and which must not instantly disappear at their dissolving word; when such assemblies, after being freely chosen, shall proceed with the weight of magistracy, and not with the arts of candidates; when they do not find themselves under the necessity of feeding one part of the community at the grievous charge of other parts as necessitous as those who are so fed; when they are not obliged (in order to flatter those who have their lives in their disposal) to tolerate acts of doubtful influence on commerce and on agriculture; and for the sake of a precarious relief, under

temporary scarcity, to sow (if I may be allowed the expression) the seeds of lasting want; when they are not compelled daily to stimulate an irregular and juvenile imagination for supplies which they are not in a condition firmly to demand; when they are not obliged to diet the state from hand to mouth, upon the casual alms of choice, fancy, vanity, or caprice, on which plan the value of the object to the public which receives often bears no sort of proportion to the loss of the individual who gives; when they are not necessitated to call for contributions to be estimated on the conscience of the contributor, by which the most pernicious sorts of exemptions and immunities may be established — by which virtue is taxed and vice privileged, and honor and public spirit are obliged to bear the burdens of craft, selfishness, and avarice; when they shall not be driven to be the instruments of the violence of others from a sense of their own weakness, and from a want of authority to assess equal and proportioned charges upon all, they are not compelled to lay a strong hand upon the possessions of a part; when, under the exigencies of the state (aggravated, if not caused, by the imbecility of their own government, and of all government), they are not obliged to resort to *confiscation* to supply the defect of *taxation*, and thereby to hold out a pernicious example, to teach the different descriptions of the community to prey upon one another; when they abstain religiously from all general and extra-judicial declarations concerning the property of the subject; when they look with horror upon all arbitrary decisions in their legislative capacity, striking at prescriptive right, long undisturbed possession, opposing an uninterrupted stream of regular judicial determinations, by which sort of decisions they are conscious no man's possession could be safe, and individual property, to the very idea, would be extinguished; when I see your great sovereign bodies, your now supreme power, in this condition of deliberative freedom, and guided by these or similar principles in acting and forbearing, I shall be happy to behold in assemblies whose name is venerable to my understanding and dear to my heart an authority, a dignity, a moderation, which, in all countries and governments, ought ever to accompany the collected reason and representative majesty of the commonwealth.

I shall rejoice no less in seeing a judicial power established in France correspondent to such a legislature as I have presumed to hint at, and worthy to second it in its endeavors to secure the freedom and property of the subject. When your courts of justice shall obtain an ascertained condition before they are made to de-

cide on the condition of other men; when they shall not be called upon to take cognizance of public offenses whilst they themselves are considered only to exist as a tolerated abuse; when, under doubts of the legality of their rules of decision, their forms and modes of proceeding, and even of the validity of that system of authority to which they owe their existence; when, amidst circumstances of suspense, fear, and humiliation, they shall not be put to judge on the lives, liberties, properties, or estimation of their fellow-citizens: when they are not called upon to put any man to his trial upon undefined crimes of state, not ascertained by any previous rule, statute, or course of precedent; when victims shall not be snatched from the fury of the people to be brought before a tribunal, itself subject to the effects of the same fury, and where the acquittal of the parties accused might only place the judge in the situation of the criminal; when I see tribunals placed in this state of independence of everything but law, and with a clear law for their direction, as a true lover of equal justice (under the shadow of which alone true liberty can live) I shall rejoice in seeing such a happy order established in France, as much as I do in my consciousness that an order of the same kind, or one not very remote from it, has long been settled, and I hope on a firm foundation, in England. I am not so narrow-minded as to be unable to conceive that the same object may be attained in many ways, and perhaps in ways very different from those which we have followed in this country. If this real *practical* liberty, with a government powerful to protect, impotent to evade it, be established, or is in a fair train of being established in the democracy, or rather collection of democracies, which seem to be chosen for the future frame of society in France, it is not my having long enjoyed a sober share of freedom, under a qualified monarchy, that shall render me incapable of admiring and praising your system of republics. I should rejoice, even though England should hereafter be reckoned only as one among the happy nations, and should no longer retain her proud distinction, her monopoly of fame for a practical constitution, in which the grand secret had been found of reconciling a government of real energy for all foreign and all domestic purposes with the most perfect security to the liberty and safety of individuals. The government, whatever its name or form may be, that shall be found substantially and practically to unite these advantages will most merit the applause of all discerning men.

But if (for in my present want of information I must only

speaking hypothetically) neither your great assemblies, nor your judicatures, nor your municipalities, act, and forbear to act, in the particulars, upon the principles, and in the spirit that I have stated, I must delay my congratulations on your acquisition of liberty. You may have made a revolution, but not a reformation. You may have subverted monarchy, but not recovered freedom. . . .

## 2. *The Character of the Revolution*

¶ Shortly after the arrival of Louis XVI at Paris — and of the National Assembly, which followed him — several deputies who were anxious to accelerate the “reform” of France organized a society, the *Friends of the Constitution*, more popularly known as the Jacobin Club. By the close of the year several individuals who were not deputies had been admitted to membership, and branches of the society were already being established throughout the kingdom to support the program of the mother club at Paris.

As the Assembly, largely under the impetus of the Jacobins, proceeded to refashion the entire political and social structure of the country, Burke became more convinced of the folly of its operations. To him, the Revolution, if only for the misfortune it was bringing upon France, was a cause of lament. But when his own countrymen revealed their enthusiasm for what was taking place across the Channel, he became thoroughly alarmed. On February 9, 1790, in the course of a debate in the House of Commons on estimates for the army, he discussed the situation in France at some length. Denying that he was unfriendly to true reform, he denounced the architects of the new regime and expressed his abhorrence at the fury of the revolutionists. Reviewing what had happened since June 1789, he pointed to the destructive nature of the threefold attack on political traditions, property, and religion; and he singled out particularly the effect of such measures upon the discipline of the French army. While he shared the view, common at the time in England, that there was little justification for fearing an armed struggle with France, he warned the House that in the *example* of the revolutionists there lurked a far greater danger to England. Especially did he resent the formation in England of societies in sympathy and in correspondence with those that had sprung up in France, and the declaration in these circles that what had occurred in France resembled what had taken place in England in 1688. Moreover, in exchanging sharp words

with his party colleagues Charles James Fox and Richard Brinsley Sheridan over the events in France, Burke opened a breach that led to his own expulsion from the party fifteen months later.<sup>3</sup>

In November 1790 he published his *Reflections on the Revolution in France*,<sup>4</sup> a work that Alfred Cobban has described as "the greatest and most influential political pamphlet ever written."<sup>5</sup> Despite the fact that the *Reflections* were published in the form of a letter to an unidentified gentleman in France, the chief purpose of the writer was unquestionably to persuade his fellow-countrymen that French revolutionary principles and practices did not merit applause but only condemnation by men who loved liberty and upheld the British constitution. ¶

. . . You imagined, when you wrote last, that I might possibly be reckoned among the approvers of certain proceedings in France, from the solemn public seal of sanction they have received from two clubs of gentlemen in London, called the Constitutional Society, and the Revolution Society.

I certainly have the honor to belong to more clubs than one in which the constitution of this kingdom and the principles of the glorious Revolution are held in high reverence; and I reckon myself among the most forward in my zeal for maintaining that constitution and those principles in their utmost purity and vigor. It is because I do so that I think it necessary for me that there should be no mistake. Those who cultivate the memory of our Revolution, and those who are attached to the constitution of this kingdom, will take good care how they are involved with persons who, under the pretext of zeal towards the Revolution and constitution, too frequently wander from their true principles, and are ready on every occasion to depart from the firm, but cautious and deliberate, spirit which produced the one and which presides in the other. . . .

*Liberty, Like Every Political Principle,  
Depends on Circumstances*

I cannot stand forward and give praise or blame to anything which relates to human actions and human concerns on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circum-

<sup>3</sup> See below, p. 390.

<sup>4</sup> Works, III, 235-563.

<sup>5</sup> *Edmund Burke and the Revolt against the Eighteenth Century* (New York, Macmillan Company, 1929), p. 129.

stances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind. Abstractedly speaking, government, as well as liberty, is good; yet could I, in common sense, ten years ago have felicitated France on her enjoyment of a government (for she then had a government) without inquiry what the nature of that government was, or how it was administered? Can I now congratulate the same nation upon its freedom? Is it because liberty in the abstract may be classed amongst the blessings of mankind that I am seriously to felicitate a madman who has escaped from the protecting restraint and wholesome darkness of his cell on his restoration to the enjoyment of light and liberty? Am I to congratulate a highwayman and murderer who has broke prison upon the recovery of his natural rights? . . .

When I see the spirit of liberty in action, I see a strong principle at work; and this, for a while, is all I can possibly know of it. The wild gas, the fixed air, is plainly broke loose; but we ought to suspend our judgment until the first effervescence is a little subsided, till the liquor is cleared, and until we see something deeper than the agitation of a troubled and frothy surface. I must be tolerably sure, before I venture publicly to congratulate men upon a blessing, that they have really received one. . . . I should therefore suspend my congratulations on the new liberty of France until I was informed how it had been combined with government, with public force, with the discipline and obedience of armies, with the collection of an effective and well-distributed revenue, with morality and religion, with solidity and property, with peace and order, with civil and social manners. All these (in their way) are good things, too; and without them liberty is not a benefit whilst it lasts, and is not likely to continue long. The effect of liberty to individuals is that they may do what they please; we ought to see what it will please them to do before we risk congratulations, which may be soon turned into complaints. Prudence would dictate this in the case of separate, insulated, private men. But liberty, when men act in bodies, is *power*. Considerate people, before they declare themselves, will observe the use which is made of *power*, and particularly of so trying a thing as *new* power in *new* persons, of whose principles, tempers, and dispositions they have little or no experience, and in situations where those who appear the most stirring in the scene may possibly not be the real movers.



. . . All circumstances taken together, the French Revolution is the most astonishing that has hitherto happened in the world. The most wonderful things are brought about in many instances by means the most absurd and ridiculous, in the most ridiculous modes, and apparently by the most contemptible instruments. Everything seems out of nature in this strange chaos of levity and ferocity, and of all sorts of crimes jumbled together with all sorts of follies. In viewing this monstrous tragicomic scene, the most opposite passions necessarily succeed and sometimes mix with each other in the mind—alternate contempt and indignation, alternate laughter and tears, alternate scorn and horror.

It cannot, however, be denied that to some this strange scene appeared in quite another point of view. Into them it inspired no other sentiments than those of exultation and rapture. They saw nothing in what has been done in France but a firm and temperate exertion of freedom, so consistent, on the whole, with morals and with piety as to make it deserving not only of the secular applause of dashing Machiavellian politicians, but to render it a fit theme for all the devout effusions of sacred eloquence.

### *Dr. Price's Sermon in the Old Jewry*

On the forenoon of the fourth of November last, Doctor Richard Price, a non-conforming minister of eminence, preached at the Dissenting meeting-house of the Old Jewry, to his club or society, a very extraordinary miscellaneous sermon, in which there are some good moral and religious sentiments, and not ill expressed, mixed up with a sort of porridge of various political opinions and reflections, but the Revolution in France is the grand ingredient in the caldron. . . .

That sermon is in a strain which I believe has not been heard in this kingdom, in any of the pulpits which are tolerated or encouraged in it, since the year 1648; when a predecessor of Dr. Price, the Reverend Hugh Peters, made the vault of the king's own chapel at St. James's ring with the honor and privilege of the saints, who, with the "high praises of God in their mouths, and a *two-edged sword* in their hands, were to execute judgment on the heathen, and punishments upon the *people*, to bind their *kings* with chains, and their *nobles* with fetters of iron." . . .

This pulpit style, revived after so long a discontinuance, had to me the air of novelty, and of a novelty not wholly without danger. . . . He tells the Revolution Society, in this political sermon, that his Majesty "is almost the *only* lawful king in the world, because the *only* one who owes his crown to the *choice of his peo-*

ple." As to the kings of *the world*, all of whom (except one) this arch-pontiff of the *rights of men*, with all the plenitude and with more than the boldness of the papal deposing power in its meridian fervor of the twelfth century, puts into one sweeping clause of ban and anathema, and proclaims usurpers by circles of longitude and latitude over the whole globe, it behooves them to consider how they admit into their territories these apostolic missionaries who are to tell their subjects they are not lawful kings. That is their concern. It is ours, as a domestic interest of some moment, seriously to consider the solidity of the *only* principle upon which these gentlemen acknowledge a king of Great Britain to be entitled to their allegiance.

This doctrine, as applied to the prince now on the British throne, either is nonsense, and therefore neither true nor false, or it affirms a most unfounded, dangerous, illegal, and unconstitutional position. According to this spiritual doctor of politics, if his Majesty does not owe his crown to the choice of his people, he is no *lawful* king. Now, nothing can be more untrue than that the crown of this kingdom is so held by his Majesty. Therefore, if you follow their rule, the king of Great Britain, who most certainly does not owe his high office to any form of popular election, is in no respect better than the rest of the gang of usurpers who reign, or rather rob, all over the face of this our miserable world, without any sort of right or title to the allegiance of their people. . . . The propagators of this political gospel are in hopes their abstract principle (their principle that a popular choice is necessary to the legal existence of the sovereign magistracy) would be overlooked, whilst the king of Great Britain was not affected by it. In the meantime the ears of their congregations would be gradually habituated to it, as if it were a first principle admitted without dispute. . . . By this policy, whilst our government is soothed with a reservation in its favor, to which it has no claim, the security which it has in common with all governments, so far as opinion is security, is taken away.

. . . At some time or other, to be sure, all the beginners of dynasties were chosen by those who called them to govern. There is ground enough for the opinion that all the kingdoms of Europe were at a remote period elective, with more or fewer limitations in the objects of choice. But whatever kings might have been here or elsewhere a thousand years ago, or in whatever manner the ruling dynasties of England or France may have begun, the king of Great Britain is at this day king by a fixed rule of succession, according to the laws of his country; and whilst the le-

gal conditions of the compact of sovereignty are performed by him (as they are performed), he holds his crown in contempt of the choice of the Revolution Society, who have not a single vote for a king amongst them, either individually or collectively; though I make no doubt they would soon erect themselves into an electoral college if things were ripe to give effect to their claim. . . .

### *What Really Happened in 1688*

These gentlemen of the Old Jewry, in all their reasonings on the Revolution of 1688, have a revolution which happened in England about forty years before, and the late French Revolution, so much before their eyes and in their hearts, that they are constantly confounding all the three together. It is necessary that we should separate what they confound. We must recall their erring fancies to the *acts* of the Revolution which we revere, for the discovery of its true *principles*. If the *principles* of the Revolution of 1688 are anywhere to be found, it is in the statute called the *Declaration of Right*. . . .

This Declaration of Right . . . is the cornerstone of our constitution, as reinforced, explained, improved, and in its fundamental principles forever settled. It is called "An act for declaring the rights and liberties of the subject, and for *settling* the *succession* of the crown." You will observe that these rights and this succession are declared in one body, and bound indissolubly together.

A few years after this period a second opportunity offered for asserting a right of election to the crown. On the prospect of a total failure of issue from King William, and from the princess, afterwards Queen Anne, the consideration of the settlement of the crown, and of a further security for the liberties of the people, again came before the legislature. Did they this second time make any provision for legalizing the crown on the spurious Revolution principles of the Old Jewry? No. They followed the principles which prevailed in the Declaration of Right; indicating with more precision the persons who were to inherit in the Protestant line. This act also incorporated, by the same policy, our liberties and a hereditary succession in the same act. Instead of a right to choose our own governors, they declared that the *succession* in that line (the Protestant line drawn from James the First) was absolutely necessary "for the peace, quiet, and security of the realm," and that it was equally urgent on them "to maintain a *certainty in the succession* thereof, to which the subjects may safely have recourse for their protection." . . .

Unquestionably there was at the Revolution, in the person of King William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case and regarding an individual person. . . . If ever there was a time favorable for establishing the principle that a king of popular choice was the only legal king, without all doubt it was at the Revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. . . .

In the very act in which, for a time, and in a single case, Parliament departed from the strict order of inheritance, in favor of a prince who, though not next, was, however, very near in the line of succession, it is curious to observe how Lord Somers, who drew the bill called the Declaration of Right, has comported himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye; whilst all that could be found in this act of necessity to countenance the idea of a hereditary succession is brought forward, and fostered, and made the most of, by this great man, and by the legislature who followed him. Quitting the dry, imperative style of an act of Parliament, he makes the Lords and Commons fall to a pious legislative ejaculation and declare that they consider it "as a marvellous providence, and merciful goodness of God to this nation, to preserve their said Majesties' *royal* persons most happily to reign over us *on the throne of their ancestors*, for which, from the bottom of their hearts, they return their humblest thanks and praises." . . .

The two Houses, in the act of King William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the *only lawful* title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights which in the meliorated order of succession they meant to perpetuate, or which might furnish a precedent for any future departure from what they had then settled forever. . . .

They knew that a doubtful title of succession would but too much resemble an election, and that an election would be utterly destructive of the "unity, peace, and tranquillity of this nation," which they thought to be considerations of some moment. . . .

So far is it from being true that we acquired a right by the

Revolution to elect our kings, that, if we possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves, and for all their posterity forever. . . .

It is true that, aided with the powers derived from force and opportunity, the nation was at that time, in some sense, free to take what course it pleased for filling the throne; but only free to do so upon the same grounds on which they might have wholly abolished their monarchy, and every other part of their constitution. However, they did not think such bold changes within their commission. It is, indeed, difficult, perhaps impossible, to give limits to the mere *abstract* competence of the supreme power, such as was exercised by Parliament at that time; but the limits of a *moral* competence, subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding upon those who exercise any authority, under any name, or under any title, in the state. The House of Lords, for instance, is not morally competent to dissolve the House of Commons; no, nor even to dissolve itself, nor to abdicate, if it would, its portion in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot abdicate for the monarchy. By as strong, or by a stronger reason, the House of Commons cannot renounce its share of authority. The engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities: otherwise, competence and power would soon be confounded, and no law be left but the will of a prevailing force. . . .

It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation; the sacredness of a hereditary principle of succession in our government with a power of change in its application in cases of extreme emergency. . . . A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the Restoration and Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union

in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired.

They did well. No experience has taught us that in any other course or method than that of a *hereditary crown* our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*. An irregular, convulsive movement may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British constitution. . . .

A few years ago I should be ashamed to overload a matter so capable of supporting itself by the then unnecessary support of any argument; but this seditious, unconstitutional doctrine is now publicly taught, avowed, and printed. The dislike I feel to revolutions, the signals for which have so often been given from pulpits; the spirit of change that is gone abroad; the total contempt which prevails with you, and may come to prevail with us, of all ancient institutions, when set in opposition to a present sense of convenience, or to the bent of a present inclination; all these considerations make it not inadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws, that you, my French friend, should begin to know, and that we should continue to cherish them. We ought not, on either side of the water, to suffer ourselves to be imposed upon by the counterfeit wares which some persons, by a double fraud, export to you in illicit bottoms, as raw commodities of British growth, though wholly alien to our soil, in order afterwards to smuggle them back again into this country, manufactured after the newest Paris fashion of an improved liberty.

The people of England will not ape the fashions they have never tried, nor go back to those which they have found mischievous on trial. They look upon the legal hereditary succession of their crown as among their rights, not as among their wrongs; as a benefit, not as a grievance; as a security for their liberty, not as a badge of servitude. They look on the frame of their commonwealth, *such as it stands*, to be of inestimable value; and they conceive the undisturbed succession of the crown to be a pledge of the stability and perpetuity of all the other members of our constitution.

I shall beg leave, before I go any further, to take notice of some paltry artifices which the abettors of election as the only lawful title to the crown are ready to employ, in order to render the support of the just principles of our constitution a task somewhat in-

vidious. These sophisters substitute a fictitious cause, and feigned personages, in whose favor they suppose you engaged, whenever you defend the inheritable nature of the crown. It is common with them to dispute as if they were in a conflict with some of those exploded fanatics of slavery who formerly maintained, what I believe no creature now maintains, "that the crown is held by divine, hereditary, and indefeasible right." These old fanatics of single arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, just as our new fanatics of popular arbitrary power maintain that a popular election is the sole lawful source of authority. The old prerogative enthusiasts, it is true, did speculate foolishly, and perhaps impiously too, as if monarchy had more of a divine sanction than any other mode of government; and as if a right to govern by inheritance were in strictness *indefeasible* in every person who should be found in the succession to a throne, and under every circumstance, which no civil or political right can be. But an absurd opinion concerning the king's hereditary right to the crown does not prejudice one that is rational, and bottomed upon solid principles of law and policy. If all the absurd theories of lawyers and divines were to vitiate the objects in which they are conversant, we should have no law and no religion left in the world. . . .

The second claim of the Revolution Society is "a right of cashiering their governors for *misconduct*." . . . No government could stand a moment if it could be blown down with anything so loose and indefinite as an opinion of "*misconduct*." They who led at the Revolution grounded their virtual abdication of King James upon no such light and uncertain principle. They charged him with nothing less than a design, confirmed by a multitude of illegal overt acts, to *subvert the Protestant church and state, and their fundamental, unquestionable laws and liberties*: they charged him with having broken the *original contract* between king and people. This was more than *misconduct*. A grave and overruling necessity obliged them to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws. Their trust for the future preservation of the constitution was not in future revolutions. The grand policy of all their regulations was to render it almost impracticable for any future sovereign to compel the states of the kingdom to have again recourse to those violent remedies. . . .

Dr. Price, in his sermon, condemns, very properly, the practice of gross adulatory addresses to kings. Instead of this fulsome style, he proposes that his Majesty should be told, on occasions of

congratulation, that "he is to consider himself as more properly the servant than the sovereign of his people." For a compliment, this new form of address does not seem to be very soothing. Those who are servants in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations. . . . It is not pleasant as compliment; it is not wholesome as instruction. After all, if the king were to bring himself to echo this new kind of address, to adopt it in terms, and even to take the appellation of Servant of the People as his royal style, how either he or we should be much mended by it I cannot imagine. . . .

Kings, in one sense, are undoubtedly the servants of the people, because their power has no other rational end than that of the general advantage; but it is not true that they are, in the ordinary sense (by our constitution, at least), anything like servants — the essence of whose situation is to obey the commands of some other, and to be removable at pleasure. . . . The law, which knows neither to flatter nor to insult, calls this high magistrate, not our servant, as this humble divine calls him, but "*our sovereign lord the king*", and we, on our parts, have learned to speak only the primitive language of the law, and not the confused jargon of their Babylonian pulpits.

As he is not to obey us, but we are to obey the law in him, our constitution has made no sort of provision towards rendering him, as a servant, in any degree responsible. Our constitution knows nothing of a magistrate like the *Justicia* of Aragon, nor of any court legally appointed, nor of any process legally settled, for submitting the king to the responsibility belonging to all servants. In this he is not distinguished from the commons and the lords, who, in their several public capacities, can never be called to an account for their conduct; although the Revolution Society chooses to assert, in direct opposition to one of the wisest and most beautiful parts of our constitution, that "a king is no more than the first servant of the public, created by it, *and responsible to it.*" . . .

The ceremony of cashiering kings, of which these gentlemen talk so much at their ease, can rarely, if ever, be performed without force. It then becomes a case of war, and not of constitution. . . . The question of dethronement, or, if these gentlemen like the phrase better, "cashiering kings," will always be, as it has always been, an extraordinary question of state, and wholly out of the law: a question (like all other questions of state) of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common abuses, so it is not to be agitated by common minds. The speculative line of de-



marcation, where obedience ought to end and resistance must begin, is faint, obscure, and not easily definable. It is not a single act or a single event which determines it. Governments must be abused and deranged indeed before it can be thought of; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter potion to a distempered state. . . .

The third head of right asserted by the pulpit of the Old Jewry — namely, the “right to form a government for ourselves” — has, at least, as little countenance from anything done at the Revolution, either in precedent or principle, as the two first of their claims. The Revolution was made to preserve our *ancient* indisputable laws and liberties, and that *ancient* constitution of government which is our only security for law and liberty. If you are desirous of knowing the spirit of our constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of Parliament and journals of Parliament, and not in the sermons of the Old Jewry, and the after-dinner toasts of the Revolution Society. . . . The very idea of the fabrication of a new government is enough to fill us with disgust and horror. We wished at the period of the Revolution, and do now wish, to derive all we possess as *an inheritance from our forefathers*. Upon that body and stock of inheritance we have taken care not to inoculate any scion alien to the nature of the original plant. . . .

You will observe that, from Magna Charta to the Declaration of Right, it has been the uniform policy of our constitution to claim and assert our liberties as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right. By this means our constitution preserves a unity in so great a diversity of its parts. We have an inheritable crown, an inheritable peerage, and a House of Commons and a people inheriting privileges, franchises, and liberties from a long line of ancestors.

### “The Happy Effect of Following Nature”

This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it. A spirit of innovation is generally the result of a selfish temper and confined views. People

will not look forward to posterity who never look backward to their ancestors. Besides, the people of England well know that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission, without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state proceeding on these maxims are locked fast as in a sort of family settlement, grasped as in a kind of mortmain forever. By a constitutional policy working after the pattern of nature, we receive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of Providence, are handed down to us, and from us, in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, molding together the great mysterious incorporation of the human race, the whole, at one time, is never old or middle-aged or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new, in what we retain we are never wholly obsolete. By adhering in this manner and on those principles to our forefathers, we are guided, not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood: binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchers, and our altars. . . .

By this means our liberty becomes a noble freedom. It carries an imposing and majestic aspect. It has a pedigree and illustrating ancestors. It has its bearings and its ensigns armorial. It has its gallery of portraits, its monumental inscriptions, its records, evidences, and titles. We procure reverence to our civil institutions on the principle upon which nature teaches us to revere individual men: on account of their age, and on account of those from whom they are descended. All your sophisters cannot produce anything better adapted to preserve a rational and manly freedom than the course that we have pursued, who have chosen our nature rather

than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges.

You might, if you pleased, have profited of our example, and have given to your recovered freedom a correspondent dignity. Your privileges, though discontinued, were not lost to memory. Your constitution, it is true, whilst you were out of possession, suffered waste and dilapidation; but you possessed in some parts the walls, and in all the foundations, of a noble and venerable castle. You might have repaired those walls; you might have built on those old foundations. Your constitution was suspended before it was perfected; but you had the elements of a constitution very nearly as good as could be wished. In your old states you possessed that variety of parts corresponding with the various descriptions of which your community was happily composed; you had all that combination and all that opposition of interests, you had that action and counteraction, which, in the natural and in the political world, from the reciprocal struggle of discordant powers draws out the harmony of the universe. . . .

### *France has Rejected Its Inheritance*

You had all these advantages in your ancient states; but you chose to act as if you had never been molded into civil society, and had everything to begin anew. You began ill because you began by despising everything that belonged to you.

Compute your gains; see what is got by those extravagant and presumptuous speculations which have taught your leaders to despise all their predecessors, and all their contemporaries, and even to despise themselves, until the moment in which they became truly despicable. By following those false lights France has bought undisguised calamities at a higher price than any nation has purchased the most unequivocal blessings. France has bought poverty by crime. France has not sacrificed her virtue to her interest; but she has abandoned her interest that she might prostitute her virtue. All other nations have begun the fabric of a new government, or the reformation of an old, by establishing originally, or by enforcing with greater exactness, some rites or other of religion. All other people have laid the foundations of civil freedom in severer manners and a system of a more austere and masculine morality. France, when she let loose the reins of regal authority, doubled the license of a ferocious dissoluteness in manners, and of an insolent irreligion in opinions and practices; and has extended through all ranks of life, as if she were communicating some

privilege, or laying open some secluded benefit, all the unhappy corruptions that usually were the disease of wealth and power. This is one of the new principles of equality in France.

France, by the perfidy of her leaders, has utterly disgraced the tone of lenient council in the cabinets of princes, and disarmed it of its most potent topics. She has sanctified the dark, suspicious maxims of tyrannous distrust, and taught kings to tremble at (what will hereafter be called) the delusive plausibilities of moral politicians. Sovereigns will consider those who advise them to place an unlimited confidence in their people as subverters of their thrones — as traitors who aim at their destruction, by leading their easy good-nature, under specious pretenses, to admit combinations of bold and faithless men into a participation of their power. This alone (if there were nothing else) is an irreparable calamity to you and to mankind. Remember that your Parliament of Paris told your King that, in calling the states together, he had nothing to fear but the prodigal excess of their zeal in providing for the support of the throne. It is right that these men should hide their heads. It is right that they should bear their part in the ruin which their counsel has brought on their sovereign and their country. Such sanguine declarations tend to lull authority asleep; to encourage it rashly to engage in perilous adventures of untried policy; to neglect those provisions, preparations, and precautions which distinguish benevolence from imbecility, and without which no man can answer for the salutary effect of any abstract plan of government or of freedom. For want of these, they have seen the medicine of the state corrupted into its poison. They have seen the French rebel against a mild and lawful monarch, with more fury, outrage, and insult than ever any people has been known to rise against the most illegal usurper or the most sanguinary tyrant. . . .

This was unnatural. The rest is in order. They have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; everything human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence; and, to crown all, the paper securities of new, precarious, tottering power, the discredited paper securities of impoverished fraud and beggared rapine, held out as a currency for the support of an empire, in lieu of the two great recognized species that represent the lasting, conventional credit of mankind, which disap-

peared and hid themselves in the earth from whence they came when the principle of property, whose creatures and representatives they are, was systematically subverted.

Were all these dreadful things necessary? Were they the inevitable results of the desperate struggle of determined patriots, compelled to wade through blood and tumult to the quiet shore of a tranquil and prosperous liberty? No! nothing like it. The fresh ruins of France, which shock our feelings wherever we can turn our eyes, are not the devastation of civil war: they are the sad, but instructive monuments of rash and ignorant counsel in time of profound peace. They are the display of inconsiderate and presumptuous, because unresisted and irresistible authority. . . .

### *Reason for This "Election of Evil"*

This unforced choice, this fond election of evil, would appear perfectly unaccountable if we did not consider the composition of the National Assembly. I do not mean its formal constitution, which, as it now stands, is exceptionable enough, but the materials of which in a great measure it is composed, which is of ten thousand times greater consequence than all the formalities in the world. . . .

After I had read over the list of the persons and descriptions elected into the *Tiers État*, nothing which they afterwards did could appear astonishing. Among them, indeed, I saw some of known rank, some of shining talents; but of any practical experience in the state not one man was to be found. The best were only men of theory. But whatever the distinguished few may have been, it is the substance and mass of the body which constitutes its character, and must finally determine its direction. . . .

In the calling of the States-General of France, the first thing that struck me was a great departure from the ancient course. I found the representation for the Third Estate composed of six hundred persons. They were equal in number to the representatives of both the other orders. If the orders were to act separately, the number would not, beyond the consideration of the expense, be of much moment. But when it became apparent that the three orders were to be melted down into one, the policy and necessary effect of this numerous representation became obvious. A very small desertion from either of the other two orders must throw the power of both into the hands of the third. . . .

Judge, Sir, of my surprise when I found that a very great proportion of the Assembly (a majority, I believe, of the members

who attended) was composed of practitioners in the law. It was composed, not of distinguished magistrates who had given pledges to their country of their science, prudence, and integrity; not of leading advocates, the glory of the bar; not of renowned professors in universities; but for the far greater part, as it must in such a number, of the inferior, unlearned, mechanical, merely instrumental members of the profession. There were distinguished exceptions; but the general composition was of obscure provincial advocates, of stewards of petty local jurisdictions, country attorneys, notaries, and the whole train of the ministers of municipal litigation, the fomenters and conductors of the petty war of village vexation. . . .

Whenever the supreme authority is vested in a body so composed, it must evidently produce the consequences of supreme authority placed in the hands of men not taught habitually to respect themselves; who had no previous fortune in character at stake; who could not be expected to bear with moderation or to conduct with discretion a power which they themselves, more than any others, must be surprised to find in their hands. Who could flatter himself that these men, suddenly, and as it were by enchantment, snatched from the humblest rank of subordination, would not be intoxicated with their unprepared greatness? Who could conceive that men who are habitually meddling, daring, subtle, active, of litigious dispositions and unquiet minds, would easily fall back into their old condition of obscure contention, and laborious, low, and unprofitable chicane? . . . It was not an event depending on chance or contingency. It was inevitable; it was necessary; it was planted in the nature of things. They must *join* (if their capacity did not permit them to *lead*) in any project which could procure to them a *litigious constitution*; which could lay open to them those innumerable lucrative jobs which follow in the train of all great convulsions and revolutions in the state, and particularly in all great and violent permutations of property. . . .

Well! but these men were to be tempered and restrained by other descriptions, of more sober minds and more enlarged understandings. Were they, then, to be awed by the supereminent authority and awful dignity of a handful of country clowns, who have seats in that assembly, some of whom are said not to be able to read and write, and by not a greater number of traders, who, though somewhat more instructed, and more conspicuous in the order of society, had never known anything beyond their count-

ing-house? No! both these descriptions were more formed to be overborne and swayed by the intrigues and artifices of lawyers than to become their counterpoise. . . .

To the faculty of law was joined a pretty considerable proportion of the faculty of medicine. This faculty had not, any more than that of the law, possessed in France its just estimation. . . . But supposing they had ranked as they ought to do, and as with us they do actually, the sides of sick-beds are not the academies for forming statesmen and legislators. Then came the dealers in stocks and funds, who must be eager, at any expense, to change their ideal paper wealth for the more solid substance of land. To these were joined men of other descriptions, from whom as little knowledge of or attention to the interests of a great state was to be expected, and as little regard to the stability of any institution — men formed to be instruments, not controls. . . .

Having considered the composition of the Third Estate, as it stood in its original frame, I took a view of the representatives of the clergy. There, too, it appeared that full as little regard was had to the general security of property, or to the aptitude of the deputies for their public purposes, in the principles of their election. That election was so contrived as to send a very large proportion of mere country curates to the great and arduous work of new-modeling a state: men who never had seen the state so much as in a picture; men who knew nothing of the world beyond the bounds of an obscure village; who, immersed in hopeless poverty, could regard all property, whether secular or ecclesiastical, with no other eye than that of envy; among whom must be many who, for the smallest hope of the meanest dividend in plunder, would readily join in any attempts upon a body of wealth in which they could hardly look to have any share except in a general scramble. . . . This preponderating weight, being added to the force of the body of chicane in the *Tiers État*, completed that momentum of ignorance, rashness, presumption, and lust of plunder which nothing has been able to resist.

To observing men it must have appeared from the beginning that the majority of the Third Estate, in conjunction with such a deputation from the clergy as I have described, whilst it pursued the destruction of the nobility, would inevitably become subservient to the worst designs of individuals in that class. In the spoil and humiliation of their own order these individuals would possess a sure fund for the pay of their new followers. To squander away the objects which made the happiness of their fellows would be to them no sacrifice at all. Turbulent, discontented men of

quality, in proportion as they are puffed up with personal pride and arrogance, generally despise their own order. One of the first symptoms they discover of a selfish and mischievous ambition is a profligate disregard of a dignity which they partake with others. . . . They find, on all sides, bounds to their unprincipled ambition in any fixed order of things; but in the fog and haze of confusion all is enlarged, and appears without any limit.

When men of rank sacrifice all ideas of dignity to an ambition without a distinct object, and work with low instruments and for low ends, the whole composition becomes low and base. Does not something like this now appear in France? Does it not produce something ignoble and inglorious: a kind of meanness in all the prevalent policy; a tendency in all that is done to lower along with individuals all the dignity and importance of the state? Other revolutions have been conducted by persons who, whilst they attempted or affected changes in the commonwealth, sanctified their ambition by advancing the dignity of the people whose peace they troubled. . . .

These disturbers were not so much like men usurping power as asserting their natural place in society. . . . I do not say that the virtues of such men were to be taken as a balance to their crimes; but they were some corrective to their effects. Such was . . . our Cromwell. Such were your whole race of Guises, Condés, and Colignys. Such the Richelieus, who in more quiet times acted in the spirit of a civil war. Such, as better men, and in a less dubious cause, were your Henry the Fourth, and your Sully, though nursed in civil confusions, and not wholly without some of their taint. It is a thing to be wondered at, to see how very soon France, when she had a moment to respire, recovered and emerged from the longest and most dreadful civil war that ever was known in any nation. Why? Because, among all their massacres, they had not slain the *mind* in their country. A conscious dignity, a noble pride, a generous sense of glory and emulation, was not extinguished. On the contrary, it was kindled and inflamed. The organs also of the state, however shattered, existed. All the prizes of honor and virtue, all the rewards, all the distinctions, remained. But your present confusion, like a palsy, has attacked the fountain of life itself. Every person in your country in a situation to be actuated by a principle of honor is disgraced and degraded, and can entertain no sensation of life except in a mortified and humiliated indignation. . . . Believe me, Sir, those who attempt to level never equalize. In all societies consisting of various descriptions of citizens, some description must be uppermost. The lev-



elers, therefore, only change and pervert the natural order of things: they load the edifice of society by setting up in the air what the solidity of the structure requires to be on the ground. .

There is no qualification for government but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of Heaven to human place and honor. Woe to the country which would madly and impiously reject the service of the talents and virtues, civil, military, or religious, that are given to grace and to serve it; and would condemn to obscurity everything formed to diffuse luster and glory around a state! Woe to that country, too, that, passing into the opposite extreme, considers a low education, a mean, contracted view of things, a sordid, mercenary occupation, as a preferable title to command! . . .

Nothing is a due and adequate representation of a state that does not represent its ability as well as its property. But as ability is a vigorous and active principle, and as property is sluggish, inert, and timid, it never can be safe from the invasions of ability, unless it be, out of all proportion, predominant in the representation. It must be represented, too, in great masses of accumulation or it is not rightly protected. The characteristic essence of property, formed out of the combined principles of its acquisition and conservation, is to be *unequal*. The great masses, therefore, which excite envy, and tempt rapacity, must be put out of the possibility of danger. Then they form a natural rampart about the lesser properties in all their gradations. The same quantity of property which is by the natural course of things divided among many has not the same operation. Its defensive power is weakened as it is diffused. In this diffusion each man's portion is less than what, in the eagerness of his desires, he may flatter himself to obtain by dissipating the accumulations of others. . . .

The power of perpetuating our property in our families is one of the most valuable and interesting circumstances belonging to it, and that which tends the most to the perpetuation of society itself. It makes our weakness subservient to our virtue; it grafts benevolence even upon avarice. The possessors of family wealth, and of the distinction which attends hereditary possession (as most concerned in it), are the natural securities for this transmission. . . .

## *Convention the Law of Civil Society*

Far am I from denying in theory, full as far is my heart from withholding in practice (if I were of power to give or to withhold), the *real* rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to justice, as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their industry, and to the means of making their industry fruitful. They have a right to the acquisitions of their parents, to the nourishment and improvement of their offspring, to instruction in life and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favor. In this partnership all men have equal rights, but not to equal things. He that has but five shillings in the partnership has as good a right to it as he that has five hundred pounds has to his larger proportion; but he has not a right to an equal dividend in the product of the joint stock. And as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society; for I have in my contemplation the civil social man, and no other. It is a thing to be settled by convention.

If civil society be the offspring of convention, that convention must be its law. That convention must limit and modify all the descriptions of constitution which are formed under it. Every sort of legislative, judicial, or executory power are its creatures. They can have no being in any other state of things; and how can any man claim, under the conventions of civil society, rights which do not so much as suppose its existence—rights which are absolutely repugnant to it? One of the first motives to civil society, and which becomes one of its fundamental rules, is *that no man should be judge in his own cause*. By this each person has at once divested himself of the first fundamental right of uncovenanted man; that is, to judge for himself, and to assert his own cause. He abdicates all right to be his own governor. He inclusively, in a great measure, abandons the right of self-defense,

the first law of nature. Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he gives up his right of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it.

Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect. By having a right to everything they want everything. Government is a contrivance of human wisdom to provide for human *wants*. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*, and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.

The moment you abate anything from the full rights of men each to govern himself, and suffer any artificial, positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience. This it is which makes the constitution of a state, and the due distribution of its powers, a matter of the most delicate and complicated skill. It requires a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions. . . .

The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate, but that which in the first instance is prejudicial may be excellent in its remoter operation, and its excellence may arise even from the ill effects it produces in the

beginning. The reverse also happens; and very plausible schemes, with very pleasing commencements, have often shameful and lamentable conclusions. In states there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity may most essentially depend. The science of government being, therefore, so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without having models and patterns of approved utility before his eyes.

. . . The nature of man is intricate; the objects of society are of the greatest possible complexity: and therefore no simple disposition or direction of power can be suitable either to man's nature or to the quality of his affairs. When I hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artificers are grossly ignorant of their trade or totally negligent of their duty. The simple governments are fundamentally defective, to say no worse of them. If you were to contemplate society in but one point of view, all these simple modes of polity are infinitely captivating. In effect each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole should be imperfectly and anomalously answered than that while some parts are provided for with great exactness, others might be totally neglected, or perhaps materially injured, by the over-care of a favorite member.

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences of good—in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle: adding, subtracting, multiplying, and dividing, morally, and not metaphysically or mathematically, true moral denominations.

By these theorists the right of the people is almost always sophistically confounded with their power. The body of the community, whenever it can come to act, can meet with no effectual

resistance, but till power and right are the same, the whole body of them has no right inconsistent with virtue, and the first of all virtues, prudence. Men have no right to what is not reasonable, and to what is not for their benefit. . . .

### *The Challenge of a "Barbarous Philosophy"*

History will record that, on the morning of the sixth of October 1789, the King and Queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down, under the pledged security of public faith, to indulge nature in a few hours of respite and troubled, melancholy repose. From this sleep the Queen was first startled by the voice of the sentinel at her door, who cried out to her to save herself by flight, that this was the last proof of fidelity he could give, that they were upon him, and he was dead. Instantly he was cut down. A band of cruel ruffians and assassins, reeking with his blood, rushed into the chamber of the Queen, and pierced with a hundred strokes of bayonets and poniards the bed from whence this persecuted woman had but just time to fly almost naked, and, through ways unknown to the murderers, had escaped to seek refuge at the feet of a king and husband not secure of his own life for a moment.

This King, to say no more of him, and this Queen, and their infant children (who once would have been the pride and hope of a great and generous people) were then forced to abandon the sanctuary of the most splendid palace in the world, which they left swimming in blood, polluted by massacre, and strewn with scattered limbs and mutilated carcasses. Thence they were conducted into the capital of their kingdom. . . . After they had been made to taste, drop by drop, more than the bitterness of death, in the slow torture of a journey of twelve miles, protracted to six hours, they were, under a guard composed of those very soldiers who had thus conducted them through this famous triumph, lodged in one of the old palaces of Paris, now converted into a Bastille for kings. . . .

It is now sixteen or seventeen years since I saw the Queen of France, then the Dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in—glittering like the morning star, full of life and splendor and joy. . . . Little did I dream, when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in

that bosom! Little did I dream that I should have lived to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honor, and of cavaliers! I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone. That of sophisters, economists, and calculators has succeeded; and the glory of Europe is extinguished forever. Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom! The unbought grace of life, the cheap defense of nations, the nurse of manly sentiment and heroic enterprise, is gone! It is gone, that sensibility of principle, that chastity of honor, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness!

This mixed system of opinion and sentiment had its origin in the ancient chivalry; and the principle, though varied in its appearance by the varying state of human affairs, subsisted and influenced through a long succession of generations, even to the time we live in. If it should ever be totally extinguished, the loss, I fear, will be great. It is this which has given its character to modern Europe. It is this which has distinguished it under all its *forms of government*, and distinguished it to its advantage, from the states of Asia, and possibly from those states which flourished in the most brilliant periods of the antique world. It was this which, without confounding ranks, had produced a noble equality, and handed it down through all the gradations of social life. It was this opinion which mitigated kings into companions, and raised private men to be fellows with kings. Without force or opposition, it subdued the fierceness of pride and power; it obliged sovereigns to submit to the soft collar of social esteem, compelled stern authority to submit to elegance, and gave a domination, vanquisher of laws, to be subdued by manners.

But now all is to be changed. All the pleasing illusions which made power gentle and obedience liberal, which harmonized the different shades of life, and which by a bland assimilation incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns and the under-

standing ratifies, as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation, are to be exploded, as a ridiculous, absurd, and antiquated fashion.

On this scheme of things, a king is but a man, a queen is but a woman, a woman is but an animal — and an animal not of the highest order. All homage paid to the sex in general as such, and without distinct views, is to be regarded as romance and folly. Regicide, and parricide, and sacrilege are but fictions of superstition, corrupting jurisprudence by destroying its simplicity. The murder of a king, or a queen, or a bishop, or a father, are only common homicide; and if the people are by any chance or in any way gainers by it, a sort of homicide much the most pardonable, and into which we ought not to make too severe a scrutiny.

On the scheme of this barbarous philosophy, which is the offspring of cold hearts and muddy understandings, and which is as void of solid wisdom as it is destitute of all taste and elegance, laws are to be supported only by their own terrors, and by the concern which each individual may find in them from his own private speculations, or can spare to them from his own private interests. In the groves of *their* academy, at the end of every vista, you see nothing but the gallows. Nothing is left which engages the affections on the part of the commonwealth. On the principles of this mechanic philosophy our institutions can never be embodied, if I may use the expression, in persons — so as to create in us love, veneration, admiration, or attachment. But that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law. . . . There ought to be a system of manners in every nation which a well-formed mind would be disposed to relish. To make us love our country, our country ought to be lovely.

But power, of some kind or other, will survive the shock in which manners and opinions perish; and it will find other and worse means for its support. . . . When the old feudal and chivalrous spirit of *fealty*, which, by freeing kings from fear, freed both kings and subjects from the precautions of tyranny, shall be extinct in the minds of men, plots and assassinations will be anticipated by preventive murder and preventive confiscation, and that long roll of grim and bloody maxims which form the political code of all power not standing on its own honor and the honor of those who are to obey it. Kings will be tyrants from policy when subjects are rebels from principle.

When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us, nor can we know distinctly to what port we steer. Europe, undoubtedly, taken in a mass, was in a flourishing condition the day on which your Revolution was completed. How much of that prosperous state was owing to the spirit of our old manners and opinions is not easy to say; but as such causes cannot be indifferent in their operation, we must presume that, on the whole, their operation was beneficial.

We are but too apt to consider things in the state in which we find them, without sufficiently adverting to the causes by which they have been produced, and possibly may be upheld. Nothing is more certain than that our manners, our civilization, and all the good things which are connected with manners and with civilization have, in this European world of ours, depended for ages upon two principles, and were, indeed, the result of both combined: I mean the spirit of a gentleman, and the spirit of religion. The nobility and the clergy, the one by profession and the other by patronage, kept learning in existence, even in the midst of arms and confusions, and whilst governments were rather in their causes than formed. Learning paid back what it received to nobility and to priesthood, and paid it with usury, by enlarging their ideas, and by furnishing their minds. Happy, if they had all continued to know their indissoluble union, and their proper place! Happy, if learning, not debauched by ambition, had been satisfied to continue the instructor, and not aspired to be the master! Along with its natural protectors and guardians, learning will be cast into the mire and trodden down under the hoofs of a swinish multitude.

If, as I suspect, modern letters owe more than they are always willing to own to ancient manners, so do other interests which we value full as much as they are worth. Even commerce, and trade, and manufacture, the gods of our economical politicians, are themselves perhaps but creatures, are themselves but effects, which, as first causes, we choose to worship. They certainly grew under the same shade in which learning flourished. They, too, may decay with their natural protecting principles. With you, for the present at least, they all threaten to disappear together. Where trade and manufactures are wanting to a people, and the spirit of nobility and religion remains, sentiment supplies, and not always ill supplies, their place; but if commerce and the arts should be lost in an experiment to try how well a state may stand without these old fundamental principles, what sort of a thing



must be a nation of gross, stupid, ferocious, and at the same time poor and sordid barbarians, destitute of religion, honor, or manly pride, possessing nothing at present, and hoping for nothing hereafter?

I wish you may not be going fast, and by the shortest cut, to that horrible and disgusting situation. Already there appears a poverty of conception, a coarseness and vulgarity, in all the proceedings of the Assembly and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal.

It is not clear whether in England we learned those grand and decorous principles and manners, of which considerable traces yet remain, from you, or whether you took them from us. But to you, I think, we trace them best. . . . France has always more or less influenced manners in England; and when your fountain is choked up and polluted, the stream will not run long or not run clear with us, or perhaps with any nation. . . .

If it could have been made clear to me that the King and Queen of France (those, I mean, who were such before the triumph) were inexorable and cruel tyrants, that they had formed a deliberate scheme for massacring the National Assembly (I think I have seen something like the latter insinuated in certain publications), I should think their captivity just. If this be true, much more ought to have been done, but done, in my opinion, in another manner. The punishment of real tyrants is a noble and awful act of justice; and it has with truth been said to be consolatory to the human mind. But if I were to punish a wicked king, I should regard the dignity in avenging the crime. . . .

If the French King, or King of the French (or by whatever name he is known in the new vocabulary of your constitution), has in his own person and that of his Queen really deserved these unavowed, but unavenged, murderous attempts, and those frequent indignities more cruel than murder, such a person would ill deserve even that subordinate executory trust which I understand is to be placed in him; nor is he fit to be called chief in a nation which he has outraged and oppressed. A worse choice for such an office in a new commonwealth than that of a deposed tyrant could not possibly be made. But to degrade and insult a man as the worst of criminals, and afterwards to trust him in your highest concerns, as a faithful, honest, and zealous servant, is not consistent in reasoning, nor prudent in policy, nor safe in practice. Those who could make such an appointment must be guilty of a more flagrant breach of trust than any they have yet committed

against the people. As this is the only crime in which your leading politicians could have acted inconsistently, I conclude that there is no sort of ground for these horrid insinuations. I think no better of all the other calumnies. In England we give no credit to them . . .

I have often been astonished, considering that we are divided from you but by a slender dike of about twenty-four miles, and that the mutual intercourse between the two countries has lately been very great, to find how little you seem to know of us. I suspect that this is owing to your forming a judgment of this nation from certain publications, which do, very erroneously, if they do at all, represent the opinions and dispositions generally prevalent in England. . . . Thanks to our sullen resistance to innovation, thanks to the cold sluggishness of our national character, we still bear the stamp of our forefathers. . . . We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvétius has made no progress amongst us. Atheists are not our preachers; madmen are not our lawgivers. We know that *we* have made no discoveries, and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born altogether as well as they will be after the grave has heaped its mold upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity. In England we have not yet been completely emboweled of our natural entrails: we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. We have not been drawn and trussed in order that we may be filled, like stuffed birds in a museum, with chaff and rags, and paltry, blurred shreds of paper about the rights of man. We preserve the whole of our feelings still native and entire, unsophisticated by pedantry and infidelity. We have real hearts of flesh and blood beating in our bosoms. We fear God; we look up with awe to kings, with affection to parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility. . . .

You see, Sir, that in this enlightened age I am bold enough to confess that we are generally men of untaught feelings; that, instead of casting away all our old prejudices, we cherish them to a very considerable degree; and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each

on his own private stock of reason; because we suspect that the stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them. If they find what they seek (and they seldom fail), they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, skeptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit, and not a series of unconnected acts. Through just prejudice his duty becomes a part of his nature.

Your literary men, and your politicians, and so do the whole clan of the enlightened among us, essentially differ in these points. They have no respect for the wisdom of others; but they pay it off by a very full measure of confidence in their own. With them it is a sufficient motive to destroy an old scheme of things because it is an old one. As to the new, they are in no sort of fear with regard to the duration of a building run up in haste; because duration is no object to those who think little or nothing has been done before their time, and who place all their hopes in discovery. They conceive, very systematically, that all things which give perpetuity are mischievous, and therefore they are at inexpiable war with all establishments. They think that government may vary like modes of dress, and with as little ill effect; that there needs no principle of attachment, except a sense of present convenience, to any constitution of the state. They always speak as if they were of opinion that there is a singular species of compact between them and their magistrates, which binds the magistrate, but which has nothing reciprocal in it, but that the majesty of the people has a right to dissolve it without any reason but its will. Their attachment to their country itself is only so far as it agrees with some of their fleeting projects: it begins and ends with that scheme of polity which falls in with their momentary opinion.

These doctrines, or rather sentiments, seem prevalent with your new statesmen. But they are wholly different from those on which we have always acted in this country. . . .

### *"Religion Is the Basis of Civil Society"*

We know, and, what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good, and of all comfort. In England we are so convinced of this that there is no rust of superstition, with which the accumulated absurdity of the human mind might have crusted it over in the course of ages, that ninety-nine in a hundred of the people of England would not prefer to impiety. We shall never be such fools as to call in an enemy to the substance of any system to remove its corruptions, to supply its defects, or to perfect its construction. If our religious tenets should ever want a further elucidation, we shall not call on atheism to explain them. . . .

We know, and it is our pride to know, that man is by his constitution a religious animal; that atheism is against, not only our reason, but our instincts, and that it cannot prevail long. But if, in the moment of riot, and in a drunken delirium from the hot spirit drawn out of the alembic of hell, which in France is now so furiously boiling, we should uncover our nakedness, by throwing off that Christian religion which has hitherto been our boast and comfort, and one great source of civilization amongst us, and among many other nations, we are apprehensive (being well aware that the mind will not endure a void) that some uncouth, pernicious, and degrading superstition might take place of it.

For that reason, before we take from our establishment the natural, human means of estimation, and give it up to contempt, as you have done, and in doing it have incurred the penalties you well deserve to suffer, we desire that some other may be presented to us in the place of it. We shall then form our judgment.

On these ideas, instead of quarreling with establishments, as some do who have made a philosophy and a religion of their hostility to such institutions, we cleave closely to them. We are resolved to keep an established church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and in no greater. I shall show you presently how much of each of these we possess.

It has been the misfortune (not, as these gentlemen think it, the glory) of this age that everything is to be discussed, as if the constitution of our country were to be always a subject rather of altercation than enjoyment. For this reason, as well as for the satisfaction of those among you (if any such you have among you) who may wish to profit of examples, I venture to trouble you with a few thoughts upon each of these establishments. . . .

First I beg leave to speak of our church establishment, which is the first of our prejudices — not a prejudice destitute of reason, but involving in it profound and extensive wisdom. I speak of it first. It is first, and last, and midst in our minds. For, taking ground on that religious system of which we are now in possession, we continue to act on the early received and uniformly continued sense of mankind. That sense not only, like a wise architect, hath built up the august fabric of states, but, like a provident proprietor, to preserve the structure from profanation and ruin, as a sacred temple, purged from all the impurities of fraud and violence and injustice and tyranny, hath solemnly and forever consecrated the commonwealth, and all that officiate in it. This consecration is made that all who administer in the government of men, in which they stand in the person of God Himself, should have high and worthy notions of their function and destination; that their hope should be full of immortality; that they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence, in the permanent part of their nature, and to a permanent fame and glory, in the example they leave as a rich inheritance to the world.

Such sublime principles ought to be infused into persons of exalted situations, and religious establishments provided that may continually revive and enforce them. Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary in order to build up that wonderful structure Man — whose prerogative it is to be in a great degree a creature of his own making, and who, when made as he ought to be made, is destined to hold no trivial place in the creation. But whenever man is put over men, as the better nature ought ever to preside, in that case more particularly he should as nearly as possible be approximated to his perfection.

The consecration of the state by a state religious establishment is necessary also to operate with a wholesome awe upon free citizens; because, in order to secure their freedom, they must enjoy some determinate portion of power. To them, therefore, a religion connected with the state, and with their duty towards it, becomes even more necessary than in such societies where the people, by the terms of their subjection, are confined to private sentiments and the management of their own family concerns. All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to

account for their conduct in that trust to the one great Master, Author, and Founder of society.

This principle ought even to be more strongly impressed upon the minds of those who compose the collective sovereignty than upon those of single princes. Without instruments these princes can do nothing. Whoever uses instruments, in finding helps, finds also impediments. Their power is therefore by no means complete; nor are they safe in extreme abuse. Such persons, however elevated by flattery, arrogance, and self-opinion, must be sensible that, whether covered or not by positive law, in some way or other they are accountable even here for the abuse of their trust. If they are not cut off by a rebellion of their people, they may be strangled by the very janissaries kept for their security against all other rebellion. Thus we have seen the King of France sold by his soldiers for an increase of pay. But where popular authority is absolute and unrestrained, the people have an infinitely greater, because a far better founded, confidence in their own power. They are themselves in a great measure their own instruments. They are nearer to their objects. Besides, they are less under responsibility to one of the greatest controlling powers on earth, the sense of fame and estimation. The share of infamy that is likely to fall to the lot of each individual in public acts is small indeed: the operation of opinion being in the universe ratio to the number of those who abuse power. Their own approbation of their own acts has to them the appearance of a public judgment in their favor. A perfect democracy is therefore the most shameless thing in the world. As it is the most shameless, it is also the most fearless. No man apprehends in his person that he can be made subject to punishment. Certainly the people at large never ought; for, as all punishments are for example towards the the conservation of the people at large, the people at large can never become the subject of punishment by any human hand. It is therefore of infinite importance that they should not be suffered to imagine that their will, any more than that of kings, is the standard of right and wrong. They ought to be persuaded that they are full as little entitled, and far less qualified, with safety to themselves, to use any arbitrary power whatsoever; that therefore they are not, under a false show of liberty, but in truth to exercise an unnatural, inverted domination, tyrannically to exact from those who officiate in the state, not an entire devotion to their interest, which is their right, but an abject submission to their occasional will: extinguishing thereby, in all those who serve them, all moral principle, all sense of dignity, all use of judgment,

and all consistency of character; whilst by the very same process they give themselves up a proper, a suitable, but a most contemptible prey to the servile ambition of popular sycophants or courtly flatterers.

When the people have emptied themselves of all the lust of selfish will, which without religion it is utterly impossible they ever should; when they are conscious that they exercise, and exercise perhaps in a higher link of the order of delegation, the power which to be legitimate must be according to that eternal, immutable law in which will and reason are the same, they will be more careful how they place power in base and incapable hands. In their nomination to office, they will not appoint to the exercise of authority as to a pitiful job, but as to a holy function; not according to their sordid, selfish interest, nor to their wanton caprice, nor to their arbitrary will; but they will confer that power (which any man may well tremble to give or to receive) on those only in whom they may discern that predominant proportion of active virtue and wisdom, taken together and fitted to the charge, such as in the great and inevitable mixed mass of human imperfections and infirmities is to be found.

When they are habitually convinced that no evil can be acceptable, either in the act or the permission, to Him whose essence is good, they will be better able to extirpate out of the minds of all magistrates, civil, ecclesiastical, or military, anything that bears the least resemblance to a proud and lawless domination.

But one of the first and most leading principles on which the commonwealth and the laws are consecrated is lest the temporary possessors and life-renters in it, unmindful of what they have received from their ancestors, or of what is due to their posterity, should act as if they were the entire masters; that they should not think it amongst their rights to cut off the entail or commit waste on the inheritance, by destroying at their pleasure the whole original fabric of their society, hazarding to leave to those who come after them a ruin instead of a habitation, and teaching these successors as little to respect their contrivances as they had themselves respected the institutions of their forefathers. By this unprincipled facility of changing the state as often and as much and in as many ways as there are floating fancies or fashions, the whole chain and continuity of the commonwealth would be broken; no one generation could link with the other; men would become little better than the flies of a summer.

And first of all, the science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies, and

errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns, as a heap of old exploded errors, would be no longer studied. Personal self-sufficiency and arrogance (the certain attendants upon all those who have never experienced a wisdom greater than their own) would usurp the tribunal. Of course no certain laws, establishing invariable grounds of hope and fear, would keep the actions of men in a certain course, or direct them to a certain end. Nothing stable in the modes of holding property or exercising function could form a solid ground on which any parent could speculate in the education of his offspring, or in a choice for their future establishment in the world. No principles would be early worked into the habits. As soon as the most able instructor had completed his laborious course of institution, instead of sending forth his pupil accomplished in a virtuous discipline fitted to procure him attention and respect in his place in society, he would find everything altered, and that he had turned out a poor creature to the contempt and derision of the world, ignorant of the true grounds of estimation. Who would ensure a tender and delicate sense of honor to beat almost with the first pulses of the heart, when no man could know what would be the test of honor in a nation continually varying the standard of its coin? No part of life would retain its acquisitions. Barbarism with regard to science and literature, unskillfulness with regard to arts and manufactures, would infallibly succeed to the want of a steady education and settled principle; and thus the commonwealth itself would in a few generations crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven.

To avoid, therefore, the evils of inconstancy and versatility, ten thousand times worse than those of obstinacy and the blindest prejudice, we have consecrated the state, that no man should approach to look into its defects or corruptions but with due caution; that he should never dream of beginning its reformation by its subversion; that he should approach to the faults of the state as to the wounds of a father, with pious awe and trembling solicitude. By this wise prejudice we are taught to look with horror on those children of their country who are prompt rashly to hack that aged parent in pieces and put him into the kettle of magicians, in hopes that by their poisonous weeds and wild incantations they may regenerate the paternal constitution and renovate their father's life.



## *The Real Social Contract*

Society is, indeed, a contract Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure; but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature It is a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law The municipal corporations of that universal kingdom are not morally at liberty, at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen, but chooses, a necessity paramount to deliberation, that admits no discussion and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part, too, of that moral and physical disposition of things to which man must be obedient by consent or force But if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled, from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow.

These, my dear Sir, are, were, and, I think, long will be the sentiments of not the least learned and reflecting part of this kingdom . . . Persuaded that all things ought to be done with ref-

erence, and referring all to the point of reference to which all should be directed, they think themselves bound, not only as individuals in the sanctuary of the heart, or as congregated in that personal capacity, to renew the memory of their high origin and cast, but also in their corporate character to perform their national homage to the Institutor and Author and Protector of civil society, without which civil society man could not by any possibility arrive at the perfection of which his nature is capable, nor even make a remote and faint approach to it. They conceive that He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection: He willed, therefore, the state: He willed its connection with the source and original archetype of all perfection. They who are convinced of this His will, which is the law of laws and the sovereign of sovereigns, cannot think it reprehensible that this our corporate fealty and homage, that this our recognition of a signiory paramount, I had almost said this oblation of the state itself, as a worthy offering on the high altar of universal praise, should be performed, as all public, solemn acts are performed, in buildings, in music, in decoration, in speech, in the dignity of persons, according to the customs of mankind, taught by their nature; that is, with modest splendor, with unassuming state, with mild majesty and sober pomp. For those purposes they think some part of the wealth of the country is as usefully employed as it can be in fomenting the luxury of individuals. It is the public ornament. It is the public consolation. It nourishes the public hope. The poorest man finds his own importance and dignity in it, whilst the wealth and pride of individuals at every moment makes the man of humble rank and fortune sensible of his inferiority, and degrades and vilifies his condition. It is for the man in humble life, and to raise his nature, and to put him in mind of a state in which the privileges of opulence will cease, when he will be equal by nature, and may be more than equal by virtue, that this portion of the general wealth of his country is employed and sanctified. . . .

It is on some such principles that the majority of the people of England, far from thinking a religious national establishment unlawful, hardly think it lawful to be without one. . . .

This principle runs through the whole system of their polity. They do not consider their church establishment as convenient, but as essential to their state: not as a thing heterogeneous and separable; something added for accommodation; what they may either keep up or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole

constitution, with which, and with every part of which, it holds an indissoluble union. Church and state are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other. . . .

It is from our attachment to a church establishment that the English nation did not think it wise to entrust that great fundamental interest of the whole to what they trust no part of their civil or military public service—that is, to the unsteady and precarious contribution of individuals. They go further. They certainly never have suffered, and never will suffer, the fixed estate of the church to be converted into a pension, to depend on the Treasury, and to be delayed, withheld, or perhaps to be extinguished by fiscal difficulties: which difficulties may sometimes be pretended for political purposes, and are in fact often brought on by the extravagance, negligence, and rapacity of politicians. The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of state. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquillity, from the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their church, like their king and their nobility, independent.

From the united considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the church with the mass of *private property*, of which the state is not the proprietor, either for use or dominion, but the guardian only and the regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions.

. . . They can see a bishop of Durham or a bishop of Winchester in possession of ten thousand pounds a year, and cannot conceive why it is in worse hands than estates to the like amount in the hands of this earl or that squire; although it may be true that so many dogs and horses are not kept by the former, and fed with the victuals which ought to nourish the children of the people. It is true, the whole church revenue is not always employed, and to every shilling, in charity; nor perhaps ought it; but something is generally so employed. It is better to cherish virtue and humanity by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines and in-

struments of a political benevolence. The world on the whole will gain by a liberty without which virtue cannot exist . . .

In England most of us conceive that it is envy and malignity towards those who are often the beginners of their own fortune, and not a love of the self-denial and mortification of the ancient church, that makes some look askance at the distinctions and honors and revenues which, taken from no person, are set apart for virtue. The ears of the people of England are distinguishing. They hear these men speak broad. Their tongue betrays them. Their language is in the *patois* of fraud, in the cant and gibberish of hypocrisy. The people of England must think so, when these praters affect to carry back the clergy to that primitive evangelic poverty which in the spirit ought always to exist in them (and in us, too, however we may like it), but in the thing must be varied, when the relation of that body to the state is altered; when manners, when modes of life, when indeed the whole order of human affairs has undergone a total revolution. We shall believe those reformers to be then honest enthusiasts, not, as now we think them, cheats and deceivers, when we see them throwing their own goods into common, and submitting their own persons to the austere discipline of the early church.

### *The Revolutionists' Assault on Property Rights*

. I am not afraid that I shall be disavowed when I assure you that there is not *one* public man in this kingdom whom you wish to quote — no, not one, of any party or description — who does not reprobate the dishonest, perfidious, and cruel confiscation which the National Assembly has been compelled to make of that property which it was their first duty to protect. . . . Who but a tyrant (a name expressive of everything which can vitiate and degrade human nature) could think of seizing on the property of men, unaccused, unheard, untried, by whole descriptions, by hundreds and thousands together? Who that had not lost every trace of humanity could think of casting down men of exalted rank and sacred function, some of them of an age to call at once for reverence and compassion — of casting them down from the highest situation in the commonwealth, wherein they were maintained by their own landed property, to a state of indigence, depression, and contempt?

. . . The enemies to property at first pretended a most tender, delicate, and scrupulous anxiety for keeping the king's engagements with the public creditor. These professors of the rights of men are so busy in teaching others that they have not leisure to

learn anything themselves; otherwise they would have known that it is to the property of the citizen, and not to the demands of the creditor of the state, that the first and original faith of civil society is pledged. The claim of the citizen is prior in time, paramount in title, superior in equity. The fortunes of individuals, whether possessed by acquisition, or by descent, or in virtue of a participation in the goods of some community, were no part of the creditor's security, expressed or implied. They never so much as entered into his head when he made his bargain. He well knew that the public, whether represented by a monarch or by a senate, can pledge nothing but the public estate; and it can have no public estate except in what it derives from a just and proportioned imposition upon the citizens at large. This was engaged, and nothing else could be engaged, to the public creditor. No man can mortgage his injustice as a pawn for his fidelity.

It is impossible to avoid some observation on the contradictions caused by the extreme rigor and the extreme laxity of this new public faith, which influenced in this transaction, and which influenced not according to the nature of the obligation, but to the description of the persons to whom it was engaged. No acts of the old government of the kings of France are held valid in the National Assembly, except its pecuniary engagements: acts of all others of the most ambiguous legality. . . . A pension, given as a reward for service to the state is surely as good a ground of property as any security for money advanced to the state. It is a better; for money is paid, and well paid, to obtain that service. We have, however, seen multitudes of people under this description in France, who never had been deprived of their allowances by the most arbitrary ministers in the most arbitrary times, by this assembly of the rights of men robbed without mercy. They were told, in answer to their claim to the bread earned with their blood, that their services had not been rendered to the country that now exists.

This laxity of public faith is not confined to those unfortunate persons. The Assembly, with perfect consistency, it must be owned, is engaged in a respectable deliberation how far it is bound by the treaties made with other nations under the former government, and their committee is to report which of them they ought to ratify, and which not. By this means they have put the external fidelity of this virgin state on a par with its internal

. The treasure of the nation, of all things, has been the least allowed to the prerogative of the king of France, or to the prerogative of any king in Europe. To mortgage the public rev-

enue implies the sovereign dominion, in the fullest sense, over the public purse. It goes far beyond the trust even of a temporary and occasional taxation. The acts, however, of that dangerous power (the distinctive mark of a boundless despotism) have been alone held sacred. Whence arose this preference given by a democratic assembly to a body of property deriving its title from the most critical and obnoxious of all the exertions of monarchical authority? Reason can furnish nothing to reconcile inconsistency; nor can partial favor be accounted for upon equitable principles. But the contradiction and partiality which admit no justification are not the less without an adequate cause; and that cause I do not think it difficult to discover.

### *The Moneyed Interest and the Literary Cabal*

By the vast debt of France a great moneyed interest has insensibly grown up, and with it a great power. By the ancient usages which prevailed in that kingdom, the general circulation of property, and in particular the mutual convertibility of land into money and of money into land, had always been a matter of difficulty. Family settlements, rather more general and more strict than they are in England, the *jus retractus*, the great mass of landed property held by the crown, and, by a maxim of the French law, held unalienably, the vast estates of the ecclesiastic corporations—all these had kept the landed and moneyed interests more separated in France, less miscible, and the owners of the two distinct species of property not so well disposed to each other as they are in this country.

The moneyed property was long looked on with rather an evil eye by the people. They saw it connected with their distresses, and aggravating them. It was no less envied by the old landed interests, partly for the same reasons that rendered it obnoxious to the people, but much more so as it eclipsed, by the splendor of an ostentatious luxury, the unendowed pedigrees and naked titles of several among the nobility. Even when the nobility, which represented the more permanent landed interest, united themselves by marriage (which sometimes was the case) with the other description, the wealth which saved the family from ruin was supposed to contaminate and degrade it. . . . In the meantime the pride of the wealthy men, not noble, or newly noble, increased with its cause. They felt with resentment an inferiority the grounds of which they did not acknowledge. There was no measure to which they were not willing to lend themselves in order to be revenged of the outrages of this rival pride,

and to exalt their wealth to what they considered as its natural rank and estimation. They struck at the nobility through the crown and the church. They attacked them particularly on the side on which they thought them the most vulnerable; that is, the possessions of the church, which, through the patronage of the crown, generally devolved upon the nobility. The bishoprics and the great commendatory abbeys were, with few exceptions, held by that order.

In this state of real, though not always perceived, warfare between the noble ancient landed interest and the new moneyed interest, the greatest, because the most applicable, strength was in the hands of the latter. The moneyed interest is in its nature more ready for any adventure, and its possessors more disposed to new enterprises of any kind. Being of a recent acquisition, it falls in more naturally with any novelties. It is therefore the kind of wealth which will be resorted to by all who wish for change.

Along with the moneyed interest, a new description of men had grown up, with whom that interest soon formed a close and marked union. I mean the political men of letters. Men of letters, fond of distinguishing themselves, are rarely averse to innovation. Since the decline of the life and greatness of Louis the Fourteenth, they were not so much cultivated either by him, or by the Regent, or the successors to the crown; nor were they engaged to the court by favors and emoluments so systematically as during the splendid period of that ostentatious and not impolitic reign. What they lost in the old court protection they endeavored to make up by joining in a sort of incorporation of their own; to which the two academies of France, and afterwards the vast undertaking of the Encyclopædia, carried on by a society of these gentlemen, did not a little contribute.

The literary cabal had some years ago formed something like a regular plan for the destruction of the Christian religion. This object they pursued with a degree of zeal which hitherto had been discovered only in the propagators of some system of piety. They were possessed with a spirit of proselytism in the most fanatical degree, and from thence, by an easy progress, with the spirit of persecution according to their means. What was not to be done towards their great end by any direct or immediate act might be wrought by a longer process through the medium of opinion. To command that opinion, the first step is to establish a dominion over those who direct it. They contrived to possess themselves, with great method and perseverance, of all the avenues to literary

fame. Many of them, indeed, stood high in the ranks of literature and science. The world had done them justice, and in favor of general talents forgave the evil tendency of their peculiar principles. This was true liberality; which they returned by endeavoring to confine the reputation of sense, learning, and taste to themselves or their followers. . . . To this system of literary monopoly was joined an unremitting industry to blacken and discredit in every way, and by every means, all those who did not hold to their faction. To those who have observed the spirit of their conduct it has long been clear that nothing was wanted but the power of carrying the intolerance of the tongue and of the pen into a persecution which would strike at property, liberty, and life . . . A spirit of cabal, intrigue, and proselytism pervaded all their thoughts, words, and actions. And as controversial zeal soon turns its thoughts on force, they began to insinuate themselves into a correspondence with foreign princes; in hopes, through their authority, which at first they flattered, they might bring about the changes they had in view. To them it was indifferent whether these changes were to be accomplished by the thunderbolt of despotism or by the earthquake of popular commotion. . . . For the same purpose for which they intrigued with princes, they cultivated, in a distinguished manner, the moneyed interest of France; and partly through the means furnished by those whose peculiar offices gave them the most extensive and certain means of communication, they carefully occupied all the avenues to opinion.

Writers, especially when they act in a body and with one direction, have great influence on the public mind; the alliance, therefore, of these writers with the moneyed interest had no small effect in removing the popular odium and envy which attended that species of wealth. These writers, like the propagators of all novelties, pretended to a great zeal for the poor and the lower orders, whilst in their satires they rendered hateful, by every exaggeration, the faults of courts, of nobility, and of priesthood. They became a sort of demagogues. They served as a link to unite, in favor of one object, obnoxious wealth to restless and desperate poverty.

As these two kinds of men appear principal leaders in all the late transactions, their junction and politics will serve to account, not upon any principles of law or of policy, but as a *cause*, for the general fury with which all the landed property of ecclesiastical corporations has been attacked, and the great care which, contrary to their pretended principles, has been taken of a moneyed



interest originating from the authority of the crown. All the envy against wealth and power was artifiially directed against other descriptions of riches. . . .

Was the public estate a sufficient stake for the public debts? Assume that it was not, and that a loss *must* be incurred somewhere. When the only estate lawfully possessed, and which the contracting parties had in contemplation at the time in which their bargain was made, happens to fail, who, according to the principles of natural and legal equity, ought to be the sufferer? Certainly it ought to be either the party who trusted, or the party who persuaded him to trust, or both; and not third parties who had no concern with the transaction. Upon any insolvency, they ought to suffer who were weak enough to lend upon bad security, or they who fraudulently held out a security that was not valid. . . .

Few barbarous conquerors have ever made so terrible a revolution in property. None of the heads of the Roman factions, when they established *crudelē illam hastam* in all their auctions of rapine, have ever set up to sale the goods of the conquered citizen to such an enormous amount. . . .

These Roman confiscators, who were yet only in the elements of tyranny, and were not instructed in the rights of men to exercise all sorts of cruelties on each other without provocation, thought it necessary to spread a sort of color over their injustice. They considered the vanquished party as composed of traitors, who had borne arms, or otherwise had acted with hostility, against the commonwealth. They regarded them as persons who had forfeited their property by their crimes. With you, in your improved state of the human mind, there was no such formality. You seized upon five millions sterling of annual rent, and turned forty or fifty thousand human creatures out of their houses, because "such was your pleasure." The tyrant Harry the Eighth of England, as he was not better enlightened than the Roman Mariuses and Syllas, and had not studied in your new schools, did not know what an effectual instrument of despotism was to be found in that grand magazine of offensive weapons, the rights of men. When he resolved to rob the abbeyes, as the club of the Jacobins have robbed all the ecclesiastics, he began by setting on foot a commission to examine into the crimes and abuses which prevailed in those communities. As it might be expected, his commission reported truths, exaggerations, and falsehoods. But truly or falsely, it reported abuses and offenses. However, as abuses might be corrected, as every crime of persons does

not infer a forfeiture with regard to communities, and as property, in that dark age, was not discovered to be a creature of prejudice, all those abuses (and there were enough of them) were hardly thought sufficient ground for such a confiscation as it was for his purposes to make. He therefore procured the formal surrender of these estates. All these operose proceedings were adopted by one of the most decided tyrants in the rolls of history, as necessary preliminaries, before he could venture, by bribing the members of his two servile Houses with a share of the spoil, and holding out to them an eternal immunity from taxation, to demand a confirmation of his iniquitous proceedings by an act of Parliament. Had fate reserved him to our times, four technical terms would have done his business and saved him all this trouble; he needed nothing more than one short form of incantation — "*Philosophy, Light, Liberality, the Rights of Men.*"

I can say nothing in praise of those acts of tyranny, which no voice has hitherto ever commended under any of their false colors; yet in these false colors a homage was paid by despotism to justice. The power which was above all fear and all remorse was not set above all shame. Whilst shame keeps its watch, virtue is not wholly extinguished in the heart, nor will moderation be utterly exiled from the minds of tyrants. . . .

When all the frauds, impostures, violences, rapines, burnings, murders, confiscations, compulsory paper currencies, and every description of tyranny and cruelty employed to bring about and to uphold this Revolution have their natural effect — that is, to shock the moral sentiments of all virtuous and sober minds — the abettors of this philosophic system immediately strain their throats in a declamation against the old monarchical government of France. When they have rendered that deposed power sufficiently black, they then proceed in argument as if all those who disapprove of their new abuses must of course be partisans of the old: that those who reprobate their crude and violent schemes of liberty ought to be treated as advocates for servitude. I admit that their necessities do compel them to this base and contemptible fraud. Nothing can reconcile men to their proceedings and projects but the supposition that there is no third option between them and some tyranny as odious as can be furnished by the records of history or by the invention of poets. This prattling of theirs hardly deserves the name of sophistry. It is nothing but plain impudence. Have these gentlemen never heard, in the whole circle of the worlds of theory and practice, of anything between the despotism of the monarch and the despotism of the mul-

titude? Have they never heard of a monarchy directed by laws, controlled and balanced by the great hereditary wealth and hereditary dignity of a nation, and both again controlled by a judicious check from the reason and feeling of the people at large, acting by a suitable and permanent organ? Is it, then, impossible that a man may be found who, without criminal ill intention or pitiable absurdity, shall prefer such a mixed and tempered government to either of the extremes; and who may repute that nation to be destitute of all wisdom and all virtue which, having in its choice to obtain such a government with ease, *or rather to confirm it when actually possessed*, thought proper to commit a thousand crimes, and to subject their country to a thousand evils, in order to avoid it? Is it, then, a truth so universally acknowledged, that a pure democracy is the only tolerable form into which human society can be thrown, that a man is not permitted to hesitate about its merits without the suspicion of being a friend to tyranny, that is, of being a foe to mankind?

I do not know under what description to class the present ruling authority in France. It affects to be a pure democracy, though I think it in a direct train of becoming shortly a mischievous and ignoble oligarchy. But for the present I admit it to be a contrivance of the nature and effect of what it pretends to. I reprobate no form of government merely upon abstract principles. There may be situations in which the purely democratic form will become necessary. There may be some (very few, and very particularly circumstanced) where it would be clearly desirable. This I do not take to be the case of France, or of any other great country. Until now, we have seen no examples of considerable democracies. The ancients were better acquainted with them. Not being wholly unread in the authors who had seen the most of those constitutions, and who best understood them, I cannot help concurring with their opinion, that an absolute democracy no more than absolute monarchy is to be reckoned among the legitimate forms of government. They think it rather the corruption and degeneracy than the sound constitution of a republic. If I recollect rightly, Aristotle observes that a democracy has many striking points of resemblance with a tyranny. Of this I am certain, that in a democracy the majority of the citizens is capable of exercising the most cruel oppressions upon the minority, whenever strong divisions prevail in that kind of polity, as they often must, and that oppression of the minority will extend to far greater numbers, and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of

a single scepter In such a popular persecution, individual sufferers are in a much more deplorable condition than in any other Under a cruel prince they have the balmy compassion of mankind to assuage the smart of their wounds; they have the plaudits of the people to animate their generous constancy under their sufferings, but those who are subjected to wrong under multitudes are deprived of all external consolation, they seem deserted by mankind, overpowered by a conspiracy of their whole species.

### *The Old Regime Was Not a Despotism*

. . . I am no stranger to the faults and defects of the subverted government of France; and I think I am not inclined by nature or policy to make a panegyric upon anything which is a just and natural object of censure. But the question is not now of the vices of that monarchy, but of its existence. Is it, then, true that the French government was such as to be incapable or undeserving of reform, so that it was of absolute necessity the whole fabric should be at once pulled down, and the area cleared for the erection of a theoretic, experimental edifice in its place? All France was of a different opinion in the beginning of the year 1789. The instructions to the representatives to the States-General, from every district in that kingdom, were filled with projects for the reformation of that government, without the remotest suggestion of a design to destroy it Had such a design been then even insinuated, I believe there would have been but one voice, and that voice for rejecting it with scorn and horror. . . .

To hear some men speak of the late monarchy of France, you would imagine that they were talking of Persia bleeding under the ferocious sword of Thamas Kouli Khân, or at least describing the barbarous anarchic despotism of Turkey, where the finest countries in the most genial climates in the world are wasted by peace more than any countries have been worried by war, where arts are unknown, where manufactures languish, where science is extinguished, where agriculture decays, where the human race itself melts away and perishes under the eye of the observer. Was this the case of France? I have no way of determining the question but by a reference to facts. Facts do not support this resemblance. . . . Indeed, when I consider the face of the kingdom of France, the multitude and opulence of her cities, the useful magnificence of her spacious highroads and bridges, the opportunity of her artificial canals and navigations opening the conveniences of maritime communication through a solid continent of so immense an extent; when I turn my eyes to the stu-

pendous works of her ports and harbors, and to her whole naval apparatus, whether for war or trade; when I bring before my view the number of her fortifications, constructed with so bold and masterly a skill, and made and maintained at so prodigious a charge, presenting an armed front and impenetrable barrier to her enemies upon every side; when I recollect how very small a part of that extensive region is without cultivation, and to what complete perfection the culture of many of the best productions of the earth have been brought in France; when I reflect on the excellence of her manufactures and fabrics, second to none but ours, and in some particulars not second; when I contemplate the grand foundations of charity, public and private; when I survey the state of all the arts that beautify and polish life; when I reckon the men she has bred for extending her fame in war, her able statesmen, the multitude of her profound lawyers and theologians, her philosophers, her critics, her historians and antiquaries, her poets and her orators, sacred and profane—I behold in all this something which awes and commands the imagination, which checks the mind on the brink of precipitate and indiscriminate censure, and which demands that we should very seriously examine what and how great are the latent vices that could authorize us at once to level so spacious a fabric with the ground. I do not recognize in this view of things the despotism of Turkey. Nor do I discern the character of a government that has been on the whole so oppressive, or so corrupt, or so negligent, as to be utterly unfit *for all reformation*. . . .

The advocates for this Revolution, not satisfied with exaggerating the vices of their ancient government, strike at the fame of their country itself, by painting almost all that could have attracted the attention of strangers, I mean their nobility and their clergy, as objects of horror. If this were only a libel, there had not been much in it. But it has practical consequences. Had your nobility and gentry, who formed the great body of your landed men and the whole of your military officers, resembled those of Germany, at the period when the Hanse towns were necessitated to confederate against the nobles in defense of their property—had they been like the Orsini and Vitelli in Italy, who used to sally from their fortified dens to rob the trader and traveler—had they been such as the Mamelukes in Egypt, or the Nayres on the coast of Malabar, I do admit that too critical an inquiry might not be advisable into the means of freeing the world from such a nuisance. The statues of Equity and Mercy might be veiled for a moment. The tenderest minds, confounded with the

dreadful exigence in which morality submits to the suspension of its own rules in favor of its own principles, might turn aside whilst fraud and violence were accomplishing the destruction of a pretended nobility, which disgraced, whilst it persecuted, human nature. . . .

But did the privileged nobility who met under the King's precept at Versailles in 1789, or their constituents, deserve to be looked on as the Nayres or Mamelukes of this age, or as the Orsini and Vitelli of ancient times? If I had then asked the question, I should have passed for a madman. What have they since done that they were to be driven into exile, that their persons should be hunted about, mangled, and tortured, their families dispersed, their houses laid in ashes, and that their order should be abolished and the memory of it, if possible, extinguished, by ordaining them to change the very names by which they were usually known? Read their instructions to their representatives. They breathe the spirit of liberty as warmly, and they recommend reformation as strongly, as any other order. Their privileges relative to contribution were voluntarily surrendered; as the King, from the beginning, surrendered all pretense to a right of taxation. Upon a free constitution there was but one opinion in France. The absolute monarchy was at an end. It breathed its last without a groan, without struggle, without convulsion. All the struggle, all the dissension, arose afterwards, upon the preference of a despotic democracy to a government of reciprocal control. The triumph of the victorious party was over the principles of a British constitution.

### *The French Nobility and Clergy*

. . . I do not pretend to know France as correctly as some others; but I have endeavored through my whole life to make myself acquainted with human nature; otherwise I should be unfit to take even my humble part in the service of mankind. In that study I could not pass by a vast portion of our nature as it appeared modified in a country but twenty-four miles from the shore of this island. On my best observation, compared with my best inquiries, I found your nobility for the greater part composed of men of a high spirit, and of a delicate sense of honor, both with regard to themselves individually and with regard to their whole corps, over whom they kept, beyond what is common in other countries, a censorial eye. They were tolerably well bred; very officious, humane, and hospitable; in their conversation frank and open; with a good military tone; and reasonably tinctured

with literature, particularly of the authors in their own language. . . .

As to their behavior to the inferior classes, they appeared to me to comport themselves towards them with good-nature, and with something more nearly approaching to familiarity than is generally practiced with us in the intercourse between the higher and lower ranks of life. To strike any person, even in the most abject condition, was a thing in a manner unknown, and would be highly disgraceful. Instances of other ill-treatment of the humble part of the community were rare; and as to attacks made upon the property of the personal liberty of the commons, I never heard of any whatsoever from *them*, nor, whilst the laws were in vigor under the ancient government, would such tyranny in subjects have been permitted. As men of landed estates, I had no fault to find with their conduct, though much to reprehend, and much to wish changed, in many of the old tenures. Where the letting of their land was by rent, I could not discover that their agreements with their farmers were oppressive; nor when they were in partnership with the farmer, as often was the case, have I heard that they had taken the lion's share. The proportions seemed not inequitable. There might be exceptions; but certainly they were exceptions only. I have no reason to believe that in these respects the landed noblesse of France were worse than the landed gentry of this country — certainly in no respect more vexatious than the landholders, not noble, of their own nation. In cities the nobility had no manner of power; in the country very little. You know, Sir, that much of the civil government, and the police in the most essential parts, was not in the hands of that nobility which presents itself first to our consideration. The revenue, the system and collection of which were the most grievous parts of the French government, was not administered by the men of the sword; nor were they answerable for the vices of its principle, or the vexations, where any such existed, in its management.

Denying, as I am well warranted to do, that the nobility had any considerable share in the oppression of the people, in cases in which real oppression existed, I am ready to admit that they were not without considerable faults and errors. A foolish imitation of the worst part of the manners of England, which impaired their natural character, without substituting in its place what perhaps they meant to copy, has certainly rendered them worse than formerly they were. Habitual dissoluteness of manners, continued beyond the pardonable period of life, was more common amongst them than it is with us; and it reigned with the less hope of

remedy, though possibly with something of less mischief, by being covered with more exterior decorum. They countenanced too much that licentious philosophy which has helped to bring on their ruin. There was another error amongst them more fatal. Those of the commons who approached to or exceeded many of the nobility in point of wealth were not fully admitted to the rank and estimation which wealth, in reason and good policy, ought to bestow in every country — though I think not equally with that of other nobility. The two kinds of aristocracy were too punctiliously kept asunder; less so, however, than in Germany and some other nations.

This separation, as I have already taken the liberty of suggesting to you, I conceive to be one principal cause of the destruction of the old nobility. The military, particularly, was too exclusively reserved for men of family. But, after all, this was an error of opinion, which a conflicting opinion would have rectified. A permanent assembly, in which the commons had their share of power, would soon abolish whatever was too invidious and insulting in these distinctions; and even the faults in the morals of the nobility would have been probably corrected by the greater varieties of occupation and pursuit to which a constitution by orders would have given rise.

All this violent cry against the nobility I take to be a mere work of art. To be honored and even privileged by the laws, opinions, and inveterate usages of our country, growing out of the prejudice of ages, has nothing to provoke horror and indignation in any man. Even to be too tenacious of those privileges is not absolutely a crime. The strong struggle in every individual to preserve possession of what he has found to belong to him, and to distinguish him, is one of the securities against injustice and despotism implanted in our nature. It operates as an instinct to secure property, and to preserve communities in a settled state. What is there to shock in this? Nobility is a graceful ornament to the civil order. It is the Corinthian capital of polished society. . . . It is, indeed, one sign of a liberal and benevolent mind to incline to it with some sort of partial propensity. He feels no ennobling principle in his own heart who wishes to level all the artificial institutions which have been adopted for giving a body to opinion and permanence to fugitive esteem. It is a sour, malignant, envious disposition, without taste for the reality, or for any image or representation of virtue, that sees with joy the unmerited fall of what had long flourished in splendor and in honor. I do not like to see anything destroyed, any void produced in society, any



ruin on the face of the land It was therefore with no disappointment or dissatisfaction that my inquiries and observations did not present to me any incorrigible vices in the noblesse of France, or any abuse which could not be removed by a reform very short of abolition. . . .

It was with the same satisfaction I found that the result of my inquiry concerning your clergy was not dissimilar. . . . Vices and abuses there were undoubtedly in that order, and must be It was an old establishment, and not frequently revised But I saw no crimes in the individuals that merited confiscation of their substance, nor those cruel insults and degradations, and that unnatural persecution, which have been substituted in the place of meliorating regulation.

If there had been any just cause for this new religious persecution, the atheistic libelers, who act as trumpeters to animate the populace to plunder, do not love anybody so much as not to dwell with complacency on the vices of the existing clergy This they have not done They find themselves obliged to rake into the histories of former ages (which they have ransacked with a malignant and profligate industry) for every instance of oppression and persecution which has been made by that body or in its favor, in order to justify, upon very iniquitous because very illogical principles of retaliation, their own persecutions and their own cruelties After destroying all other genealogies and family distinctions, they invent a sort of pedigree of crimes It is not very just to chastise men for the offenses of their natural ancestors, but to take the fiction of ancestry in a corporate succession as a ground for punishing men who have no relation to guilty acts, except in names and general descriptions, is a sort of refinement in injustice belonging to the philosophy of this enlightened age. . . .

Corporate bodies are immortal for the good of the members, but not for their punishment Nations themselves are such corporations. As well might we in England think of waging inextinguishable war upon all Frenchmen for the evils which they have brought upon us in the several periods of our mutual hostilities You might, on your part, think yourselves justified in falling upon all Englishmen on account of the unparalleled calamities brought upon the people of France by the unjust invasions of our Henrys and our Edwards Indeed, we should be mutually justified in this exterminatory war upon each other full as much as you are in the unprovoked persecution of your present countrymen on account of the conduct of men of the same name in

other times . . . Your citizens of Paris formerly had lent themselves as the ready instruments to slaughter the followers of Calvin, at the infamous massacre of St Bartholomew. What should we say to those who could think of retaliating on the Parisians of this day the abominations and horrors of that time? . . .

If your clergy, or any clergy, should show themselves vicious beyond the fair bounds allowed to human infirmity, and to those professional faults which can hardly be separated from professional virtues, though their vices never can countenance the exercise of oppression, I do admit that they would naturally have the effect of abating very much of our indignation against the tyrants who exceed measure and justice in their punishment. I can allow in clergymen, through all their divisions, some tenaciousness of their own opinion, some overflowings of zeal for its propagation, some predilection to their own state and office, some attachment to the interest of their own corps, some preference to those who listen with docility to their doctrines beyond those who scorn and deride them. I allow all this because I am a man who have to deal with men, and who would not, through a violence of toleration, run into the greatest of all intolerance. I must bear with infirmities, until they fester into crimes.

Undoubtedly, the natural progress of the passions, from frailty to vice, ought to be prevented by a watchful eye and a firm hand. But is it true that the body of your clergy had passed those limits of a just allowance? From the general style of your late publications of all sorts, one would be led to believe that your clergy in France were a sort of monsters: a horrible composition of superstition, ignorance, sloth, fraud, avarice, and tyranny. But is this true? Is it true that the lapse of time, the cessation of conflicting interests, the woeful experience of the evils resulting from party rage, have had no sort of influence gradually to meliorate their minds? Is it true that they were daily renewing invasions on the civil power, troubling the domestic quiet of their country, and rendering the operations of its government feeble and precarious? Is it true that the clergy of our times have pressed down the laity with an iron hand, and were in all places lighting up the fires of a savage persecution? Did they by every fraud endeavor to increase their estates? Did they use to exceed the due demands on estates that were their own? Or, rigidly screwing up right into wrong, did they convert a legal claim into a vexatious extortion? When not possessed of power, were they filled with the vices of those who envy it? Were they inflamed with a violent, litigious

spirit of controversy? Goaded on with the ambition of intellectual sovereignty, were they ready to fly in the face of all magistracy, to fire churches, to massacre the priests of other descriptions, to pull down altars, and to make their way over the ruins of subverted governments to an empire of doctrine, sometimes flattering, sometimes forcing, the consciences of men from the jurisdiction of public institutions into a submission to their personal authority, beginning with a claim of liberty and ending with an abuse of power?

These, or some of these, were the vices objected, and not wholly without foundation, to several of the churchmen of former times, who belonged to the two great parties which then divided and distracted Europe

If there was in France, as in other countries there visibly is, a great abatement rather than any increase of these vices, instead of loading the present clergy with the crimes of other men and the odious character of other times, in common equity they ought to be praised, encouraged, and supported in their departure from a spirit which disgraced their predecessors, and for having assumed a temper of mind and manners more suitable to their sacred function

When my occasions took me into France, towards the close of the late reign, the clergy, under all their forms, engaged a considerable part of my curiosity. So far from finding (except from one set of men, not then very numerous, though very active) the complaints and discontents against that body which some publications had given me reason to expect, I perceived little or no public or private uneasiness on their account. On further examination, I found the clergy, in general, persons of moderate minds and decorous manners. I include the seculars, and the regulars of both sexes. I had not the good fortune to know a great many of the parochial clergy, but in general I received a perfectly good account of their morals, and of their attention to their duties. With some of the higher clergy I had a personal acquaintance, and of the rest in that class a very good means of information. They were almost all of them persons of noble birth. They resembled others of their own rank; and where there was any difference, it was in their favor. They were more fully educated than the military noblesse, so as by no means to disgrace their profession by ignorance, or by want of fitness for the exercise of their authority. They seemed to me, beyond the clerical character, liberal and open, with the hearts of gentlemen and men of honor, neither insolent nor servile in their manners and conduct. They

seemed to me rather a superior class—a set of men amongst whom you would not be surprised to find a Fénelon.<sup>6</sup> . . .

You had before your Revolution about a hundred and twenty bishops. A few of them were men of eminent sanctity, and charity without limit. When we talk of the heroic, of course we talk of rare virtue. I believe the instances of eminent depravity may be as rare amongst them as those of transcendent goodness. Examples of avarice and of licentiousness may be picked out, I do not question it, by those who delight in the investigation which leads to such discoveries. A man as old as I am will not be astonished that several, in every description, do not lead that perfect life of self-denial, with regard to wealth or to pleasure, which is wished for by all, by some expected, but by none exacted with more rigor than by those who are the most attentive to their own interests or the most indulgent to their own passions. When I was in France, I am certain that the number of vicious prelates was not great. Certain individuals among them, not distinguishable for the regularity of their lives, made some amends for their want of the severe virtues in their possession of the liberal, and were endowed with qualities which made them useful in the church and state. I am told that, with few exceptions, Louis the Sixteenth had been more attentive to character in his promotions to that rank than his immediate predecessor; and I believe (as some spirit of reform has prevailed through the whole reign) that it may be true. But the present ruling power has shown a disposition only to plunder the church. It has punished *all* prelates: which is to favor the vicious, at least in point of reputation. It has made a degrading pensionary establishment, to which no man of liberal ideas or liberal condition will destine his children. It must settle into the lowest classes of the people. As with you the inferior clergy are not numerous enough for their duties, as these duties are beyond measure minute and toilsome, as you have left no middle classes of clergy at their ease, in future nothing of science or erudition can exist in the Gallican Church. To complete the project, without the least attention to the rights of patrons, the Assembly has provided in future an elective clergy: an arrangement which will drive out of the clerical profession all men of sobriety, all who can pretend to independence in their function or their conduct; and which will throw the whole direction of the public mind into the hands of a set of licentious, bold, crafty, factious, flattering wretches, of such condition and such habits of life as will make their contemptible pensions (in comparison of

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<sup>6</sup> The widely beloved Archbishop of Cambrai (1651-1715).

which the stipend of an exciseman is lucrative and honorable) an object of low and illiberal intrigue. Those officers whom they still call bishops are to be elected to a provision comparatively mean, through the same arts (that is, electioneering arts) by men of all religious tenets that are known or can be invented. The new law-givers have not ascertained anything whatsoever concerning their qualifications, relative either to doctrine or to morals, no more than they have done with regard to the subordinate clergy; nor does it appear but that both the higher and the lower may, at their discretion, practice or preach any mode of religion or irreligion that they please. I do not yet see what the jurisdiction of bishops over their subordinates is to be, or whether they are to have any jurisdiction at all.

*An Anti-Christian Fanaticism that Endangers  
All Europe*

In short, Sir, it seems to me that this new ecclesiastical establishment is intended only to be temporary, and preparatory to the utter abolition, under any of its forms, of the Christian religion, whenever the minds of men are prepared for this last stroke against it by the accomplishment of the plan for bringing its ministers into universal contempt. They who will not believe that the philosophical fanatics who guide in these matters have long entertained such a design are utterly ignorant of their character and proceedings. These enthusiasts do not scruple to avow their opinion that a state can subsist without any religion better than with one, and that they are able to supply the place of any good which may be in it by a project of their own: namely, by a sort of education they have imagined, founded in a knowledge of the physical wants of men, progressively carried to an enlightened self-interest, which, when well understood, they tell us, will identify with an interest more enlarged and public. . . .

Those of you who have robbed the clergy think that they shall easily reconcile their conduct to all Protestant nations, because the clergy whom they have thus plundered, degraded, and given over to mockery and scorn are of the Roman Catholic, that is, of *their own* pretended persuasion. I have no doubt that some miserable bigots will be found here as well as elsewhere who hate sects and parties different from their own more than they love the substance of religion, and who are more angry with those who differ from them in their particular plans and systems than displeased with those who attack the foundation of our common hope. These men will write and speak on the subject in the manner that is to be ex-

pected from their temper and character . The humor, however, is not general.

The teachers who reformed our religion in England bore no sort of resemblance to your present reforming doctors in Paris. Perhaps they were (like those whom they opposed) rather more than could be wished under the influence of a party spirit; but they were most sincere believers, men of the most fervent and exalted piety, ready to die (as some of them did die) like true heroes in defense of their particular ideas of Christianity, as they would with equal fortitude, and more cheerfully, for that stock of general truth for the branches of which they contended with their blood. These men would have disavowed with horror those wretches who claimed a fellowship with them upon no other titles than those of their having pillaged the persons with whom they maintained controversies, and their having despised the common religion, for the purity of which they exerted themselves with a zeal which unequivocally bespoke their highest reverence for the substance of that system which they wished to reform. Many of their descendants have retained the same zeal, but (as less engaged in conflict) with more moderation. They do not forget that justice and mercy are substantial parts of religion. . . .

We hear these new teachers continually boasting of their spirit of toleration. That those persons should tolerate all opinions who think none to be of estimation is a matter of small merit. Equal neglect is not impartial kindness. The species of benevolence which arises from contempt is no true charity. There are in England abundance of men who tolerate in the true spirit of toleration. They think the dogmas of religion, though in different degrees, are all of moment, and that amongst them there is, as amongst all things of value, a just ground of preference. They favor, therefore, and they tolerate. They tolerate, not because they despise opinions, but because they respect justice. They would reverently and affectionately protect all religions, because they love and venerate the great principle upon which they all agree, and the great object to which they are all directed. They begin more and more plainly to discern that we have all a common cause, as against a common enemy. . . .

Of all things, wisdom is the most terrified with epidemical fanaticism, because of all enemies it is that against which she is the least able to furnish any kind of resource. We cannot be ignorant of the spirit of atheistical fanaticism, that is inspired by a multitude of writings dispersed with incredible assiduity and expense, and by sermons delivered in all the streets and places

of public resort in Paris. These writings and sermons have filled the populace with a black and savage atrocity of mind, which supersedes in them the common feelings of nature, as well as all sentiments of morality and religion. . . . The spirit of proselytism attends this spirit of fanaticism. They have societies to cabal and correspond at home and abroad for the propagation of their tenets. The republic of Bern, one of the happiest, the most prosperous, and the best-governed countries upon earth, is one of the great objects at the destruction of which they aim. I am told they have in some measure succeeded in sowing there the seeds of discontent. They are busy throughout Germany. Spain and Italy have not been untried. England is not left out of the comprehensive scheme of their malignant charity; and in England we find those who stretch out their arms to them, who recommend their example from more than one pulpit, and who choose, in more than one periodical meeting, publicly to correspond with them, to applaud them, and to hold them up as objects for imitation; who receive from them tokens of confraternity, and standards consecrated amidst their rites and mysteries; who suggest to them leagues of perpetual amity, at the very time when the power to which our constitution has exclusively delegated the federative capacity of this kingdom may find it expedient to make war upon them.

It is not the confiscation of our church property from this example in France that I dread, though I think this would be no trifling evil. The great source of my solicitude is lest it should ever be considered in England as the policy of a state to seek a resource in confiscations of any kind, or that any one description of citizens should be brought to regard any of the others as their proper prey. Nations are wading deeper and deeper into an ocean of boundless debt. Public debts, which at first were a security to governments, by interesting many in the public tranquillity, are likely in their excess to become the means of their subversion. If governments provide for these debts by heavy impositions, they perish by becoming odious to the people. If they do not provide for them, they will be undone by the efforts of the most dangerous of all parties: I mean an extensive, discontented moneyed interest, injured and not destroyed. The men who compose this interest look for their security, in the first instance, to the fidelity of government; in the second, to its power. If they find the old governments effete, worn out, and with their springs relaxed, so as not to be of sufficient vigor for their purposes, they may seek new ones that shall be possessed of more energy; and this energy

will be derived, not from an acquisition of resources, but from a contempt of justice. Revolutions are favorable to confiscation; and it is impossible to know under what obnoxious names the next confiscations will be authorized. I am sure that the principles predominant in France extend to very many persons, and descriptions of persons, in all countries, who think their innoxious indolence their security. . . . Many parts of Europe are in open disorder. In many others there is a hollow murmuring under ground; a confused movement is felt that threatens a general earthquake in the political world. Already confederacies and correspondences of the most extraordinary nature are forming in several countries. In such a state of things we ought to hold ourselves upon our guard. In all mutations (if mutations must be) the circumstance which will serve most to blunt the edge of their mischief, and to promote what good may be in them, is that they should find us with our minds tenacious of justice and tender of property.

### *Destruction of the Monasteries*

There are moments in the fortune of states when particular men are called to make improvements by great mental exertion. In those moments, even when they seem to enjoy the confidence of their prince and country, and to be invested with full authority, they have not always apt instruments. A politician, to do great things, looks for a *power*, what our workmen call a *purchase*; and if he finds that power, in politics as in mechanics, he cannot be at a loss to apply it. In the monastic institutions, in my opinion, was found a great *power* for the mechanism of politic benevolence. There were revenues with a public direction; there were men wholly set apart and dedicated to public purposes, without any other than public ties and public principles; men without the possibility of converting the estate of the community into a private fortune, men denied to self-interests, whose avarice is for some community; men to whom personal poverty is honor, and implicit obedience stands in the place of freedom. In vain shall a man look to the possibility of making such things when he wants them. The winds blow as they list. These institutions are the products of enthusiasm; they are the instruments of wisdom. Wisdom cannot create materials; they are the gifts of nature or of chance; her pride is in the use. The perennial existence of bodies corporate and their fortunes are things particularly suited to a man who has long views; who meditates designs that require time in fashioning, and which propose duration when they are accom-



plished. He is not deserving to rank high, or even to be mentioned in the order of great statesmen, who, having obtained the command and direction of such a power as existed in the wealth, the discipline, and the habits of such corporations as those which you have rashly destroyed, cannot find any way of converting it to the great and lasting benefit of his country. On the view of this subject, a thousand uses suggest themselves to a contriving mind. To destroy any power growing wild from the rank productive force of the human mind is almost tantamount, in the moral world, to the destruction of the apparently active properties of bodies in the material. It would be like the attempt to destroy (if it were in our competence to destroy) the expansive force of fixed air in niter, or the power of steam, or of electricity, or of magnetism. These energies always existed in nature, and they were always discernible. They seemed, some of them unserviceable, some noxious, some no better than a sport to children—until contemplative ability, combining with practical skill, tamed their wild nature, subdued them to use, and rendered them at once the most powerful and the most tractable agents, in subservience to the great views and designs of men. Did fifty thousand persons whose mental and whose bodily labor you might direct, and so many hundred thousand a year of a revenue which was neither lazy nor superstitious, appear too big for your abilities to wield? Had you no way of using the men but by converting monks into pensioners? Had you no way of turning the revenue to account but through the improvident resource of a spendthrift sale? If you were thus destitute of mental funds, the proceeding is in its natural course. Your politicians do not understand their trade; and therefore they sell their tools.

But the institutions savor of superstition in their very principle; and they nourish it by a permanent and standing influence. This I do not mean to dispute; but this ought not to hinder you from deriving from superstition itself any resources which may thence be furnished for the public advantage. You derive benefits from many dispositions and many passions of the human mind which are of as doubtful a color, in the moral eye, as superstition itself. It was your business to correct and mitigate everything which was noxious in this passion, as in all the passions. But is superstition the greatest of all possible vices? In its possible excess I think it becomes a very great evil. It is, however, a moral subject, and of course admits of all degrees and all modifications. Superstition is the religion of feeble minds; and they must be tolerated in an intermixture of it, in some trifling or some enthusiastic shape or

other, else you will deprive weak minds of a resource found necessary to the strongest. The body of all true religion consists, to be sure, in obedience to the will of the Sovereign of the world, in a confidence in His declarations, and in imitation of His perfections. The rest is our own. It may be prejudicial to the great end; it may be auxiliary. . . . Wisdom is not the most severe corrector of folly. They are the rival follies which mutually wage so unrelenting a war, and which make so cruel a use of their advantages, as they can happen to engage the immoderate vulgar, on the one side or the other, in their quarrels. Prudence would be neuter; but if, in the contention between fond attachment and fierce antipathy concerning things in their nature not made to produce such heats, a prudent man were obliged to make a choice of what errors and excesses of enthusiasm he would condemn or bear, perhaps he would think the superstition which builds to be more tolerable than that which demolishes—that which adorns a country than that which deforms it—that which endows than that which plunders—that which disposes to mistaken beneficence than that which stimulates to real injustice—that which leads a man to refuse to himself lawful pleasures than that which snatches from others the scanty subsistence of their self-denial. Such, I think, is very nearly the state of the question between the ancient founders of monkish superstition and the superstition of the pretended philosophers of the hour.

For the present I postpone all consideration of the supposed public profit of the sale, which, however, I conceive to be perfectly delusive. I shall here only consider it as a transfer of property. On the policy of that transfer I shall trouble you with a few thoughts.

### *The Transfer of Church Properties*

In every prosperous community something more is produced than goes to the immediate support of the producer. This surplus forms the income of the landed capitalist. It will be spent by a proprietor who does not labor. But this idleness is itself the spring of labor, this repose the spur to industry. The only concern for the state is that the capital taken in rent from the land should be returned again to the industry from whence it came, and that its expenditure should be with the least possible detriment to the morals of those who expend it and to those of the people to whom it is returned.

In all the views of receipt, expenditure, and personal employment, a sober legislator would carefully compare the possessor

whom he was recommended to expel with the stranger who was proposed to fill his place. Before the inconveniences are incurred which *must* attend all violent revolutions in property through extensive confiscation, we ought to have some rational assurance that the purchasers of the confiscated property will be in a considerable degree more laborious, more virtuous, more sober, less disposed to extort an unreasonable proportion of the gains of the laborer, or to consume on themselves a larger share than is fit for the measure of an individual; or that they should be qualified to dispense the surplus in a more steady and equal mode, so as to answer the purposes of a politic expenditure, than the old possessors, call those possessors bishops, or canons, or commendatory abbots, or monks, or what you please. . . .

When the advantages of the possession and of the project are on a par, there is no motive for a change. But in the present case, perhaps, they are not upon a par, and the difference is in favor of the possession. It does not appear to me that the expenses of those whom you are going to expel do in fact take a course so directly and so generally leading to vitiate and degrade and render miserable those through whom they pass as the expenses of those favorites whom you are intruding into their houses. Why should the expenditure of a great landed property, which is a dispersion of the surplus product of the soil, appear intolerable to you or to me when it takes its course through the accumulation of vast libraries, which are the history of the force and weakness of the human mind—through great collections of ancient records, medals, and coins, which attest and explain laws and customs—through paintings and statues, that, by imitating nature, seem to extend the limits of creation—through grand monuments of the dead, which continue the regards and connections of life beyond the grave—through collections of the specimens of nature, which become a representative assembly of all the classes and families of the world, that by disposition facilitate, and by exciting curiosity open, the avenues to science? If by great permanent establishments all these objects of expense are better secured from the inconstant sport of personal caprice and personal extravagance, are they worse than if the same tastes prevailed in scattered individuals? Does not the sweat of the mason and carpenter, who toil in order to partake the sweat of the peasant, flow as pleasantly and as salubriously in the construction and repair of the majestic edifices of religion as in the painted booths and sordid sties of vice and luxury? as honorably and as profitably in repairing those sacred works which grow hoary with innumerable years as

on the momentary receptacles of transient voluptuousness—in opera-houses, and brothels, and gaming-houses, and club-houses, and obelisks in the Champ de Mars? Is the surplus product of the olive and the vine worse employed in the frugal sustenance of persons whom the fictions of a pious imagination raise to dignity by construing in the service of God than in pampering the innumerable multitude of those who are degraded by being made useless domestics, subservient to the pride of man? Are the decorations of temples an expenditure less worthy a wise man than ribbons, and laces, and national cockades, and petit maisons, and petit soupers, and all the innumerable fopperies and follies in which opulence sports away the burden of its superfluity? . . .

This comparison between the new individuals and the old corps is made upon a supposition that no reform could be made in the latter. But, in a question of reformation, I always consider corporate bodies, whether sole or consisting of many, to be much more susceptible of a public direction, by the power of the state, in the use of their property, and in the regulation of modes and habits of life in their members, than private citizens ever can be, or perhaps ought to be; and this seems to me a very material consideration for those who undertake anything which merits the name of a politic enterprise. . . .

This letter is grown to a great length, though it is, indeed, short with regard to the infinite extent of the subject. Various avocations have from time to time called my mind from the subject. I was not sorry to give myself leisure to observe whether in the proceedings of the National Assembly I might not find reasons to change or to qualify some of my first sentiments. Everything has confirmed me more strongly in my first opinions. It was my original purpose to take a view of the principles of the National Assembly with regard to the great and fundamental establishments, and to compare the whole of what you have substituted in the place of what you have destroyed with the several members of our British constitution. But this plan is of greater extent than at first I computed, and I find that you have little desire to take the advantage of any examples. At present I must content myself with some remarks upon your establishments, reserving for another time what I proposed to say concerning the spirit of our British monarchy, aristocracy, and democracy, as practically they exist.<sup>7</sup> . . .

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<sup>7</sup> The subject-matter of *An Appeal from the New to the Old Whigs*, published the following year.

*An Assembly without the Sanction of Law  
or Necessity*

I can never consider this Assembly as anything else than a voluntary association of men who have availed themselves of circumstances to seize upon the power of the state. They have not the sanction and authority of the character under which they first met. They have assumed another of a very different nature, and have completely altered and inverted all the relations in which they originally stood. They do not hold the authority they exercise under any constitutional law of the state. They have departed from the instructions of the people by whom they were sent; which instructions, as the Assembly did not act in virtue of any ancient usage or settled law, were the sole source of their authority . . .

If they had set up this new, experimental government as a necessary substitute for an expelled tyranny, mankind would anticipate the time of prescription, which through long usage mellowed into legality governments that were violent in their commencement. All those who have affections which lead them to the conservation of civil order would recognize, even in its cradle, the child as legitimate which has been produced from those principles of cogent expediency to which all just governments owe their birth, and on which they justify their continuance. But they will be late and reluctant in giving any sort of countenance to the operations of a power which has derived its birth from no law and no necessity, but which, on the contrary, has had its origin in those vices and sinister practices by which the social union is often disturbed and sometimes destroyed. . .

In obtaining and securing their power, the Assembly proceeds upon principles the most opposite from those which appear to direct them in the use of it. An observation on this difference will let us into the true spirit of their conduct. Everything which they have done, or continue to do, in order to obtain and keep their power is by the most common arts. They proceed exactly as their ancestors of ambition have done before them. Trace them through all their artifices, frauds, and violences, you can find nothing at all that is new. They follow precedents and examples with the punctilious exactness of a pleader. They never depart an iota from the authentic formulas of tyranny and usurpation. But in all the regulations relative to the public good the spirit has been the very reverse of this. There they commit the whole to the mercy of untried speculations; they abandon the dearest in-

terests of the public to those loose theories to which none of them would choose to trust the slightest of his private concerns. They make this difference because in their desire of obtaining and securing power they are thoroughly in earnest; there they travel in the beaten road. The public interests, because about them they have no real solicitude, they abandon wholly to chance. I say to chance because their schemes have nothing in experience to prove their tendency beneficial.

. . . In the system itself, taken as the scheme of a republic constructed for procuring the prosperity and security of the citizen, and for promoting the strength and grandeur of the state, I confess myself unable to find out anything which displays, in a single instance, the work of a comprehensive and disposing mind, or even the provisions of a vulgar prudence. Their purpose everywhere seems to have been to evade and slip aside from *difficulty*. This it has been the glory of the great masters in all the arts to confront, and to overcome, and when they had overcome the first difficulty, to turn it into an instrument for new conquests over new difficulties . . . Difficulty is a severe instructor, set over us by the supreme ordinance of a parental Guardian and Legislator. who knows us better than we know ourselves, as He loves us better too . . . He that wrestles with us strengthens our nerves and sharpens our skill. Our antagonist is our helper. This amicable conflict with difficulty obliges us to an intimate acquaintance with our object, and compels us to consider it in all its relations. It will not suffer us to be superficial. It is the want of nerves of understanding for such a task, it is the degenerate fondness for tricking short-cuts and little fallacious facilities, that has in so many parts of the world created governments with arbitrary powers. They have created the late arbitrary monarchy of France. They have created the arbitrary republic of Paris. With them defects in wisdom are to be supplied by the plenitude of force. They get nothing by it. Commencing their labors on a principle of sloth, they have the common fortune of slothful men. The difficulties, which they rather had eluded than escaped, meet them again in their course; they multiply and thicken on them; they are involved, through a labyrinth of confused detail, in an industry without limit and without direction, and in conclusion, the whole of their work becomes feeble, vicious, and insecure.

It is this inability to wrestle with difficulty which has obliged the arbitrary Assembly of France to commence their schemes of reform with abolition and total destruction. But is it in destroying and pulling down that skill is displayed? Your mob can do

this as well at least as your assemblies. . . . Rage and frenzy will pull down more in half an hour than prudence, deliberation, and foresight can build up in a hundred years. The errors and defects of old establishments are visible and palpable. It calls for little ability to point them out; and where absolute power is given, it requires but a word wholly to abolish the vice and the establishment together. . . . To make everything the reverse of what they have seen is quite as easy as to destroy. No difficulties occur in what has never been tried. Criticism is almost baffled in discovering the defects of what has not existed; and eager enthusiasm and cheating hope have all the wide field of imagination in which they may expatiate with little or no opposition.

At once to preserve and to reform is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady, persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement, and the levity that is fatigued and disgusted with everything of which it is in possession. . . . If circumspection and caution are a part of wisdom when we work only upon inanimate matter, surely they become a part of duty too when the subject of our demolition and construction is not brick and timber, but sentient beings, by the sudden alteration of whose state, condition, and habits multitudes may be rendered miserable. But it seems as if it were the prevalent opinion in Paris that an unfeeling heart and an undoubting confidence are the sole qualifications for a perfect legislator. Far different are my ideas of that high office. The true lawgiver ought to have a heart full of sensibility. He ought to love and respect his kind, and to fear himself. It may be allowed to his temperament to catch his ultimate object with an intuitive glance; but his movements towards it ought to be deliberate. Political arrangement, as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind. Time is required to produce that union of minds which alone can produce all the good we aim at. Our patience will achieve more than our force. If I might venture to appeal to what is so much out of fashion in Paris—I mean to experience—I should tell you that in my course I have known and, according to my measure, have co-operated with great men; and I have never yet seen any plan which has not been mended by the observations of those who

were much inferior in understanding to the person who took the lead in the business. By a slow, but well-sustained progress, the effect of each step is watched; the good or ill success of the first gives light to us in the second; and so on, from light to light, we are conducted with safety through the whole series. We see that the parts of the system do not clash. The evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another. We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition. Where the great interests of mankind are concerned through a long succession of generations, that succession ought to be admitted into some share in the councils which are so deeply to affect them. If justice requires this, the work itself requires the aid of more minds than one age can furnish. It is from this view of things that the best legislators have been often satisfied with the establishment of some sure, solid, and ruling principle in government. a power like that which some of the philosophers have called a plastic nature; and having fixed the principle, they have left it afterwards to its own operation.

To proceed in this manner — that is, to proceed with a presiding principle and a prolific energy — is with me the criterion of profound wisdom. What your politicians think the marks of a bold, hardy genius are only proofs of a deplorable want of ability. By their violent haste, and their defiance of the process of nature, they are delivered over blindly to every projector and adventurer, to every alchemist and empiric. They despair of turning to account anything that is common. Diet is nothing in their system of remedy. The worst of it is that this their despair of curing common distempers by regular methods arises not only from defect of comprehension, but, I fear, from some malignity of disposition. Your legislators seem to have taken their opinions of all professions, ranks, and offices from the declamations and buffooneries of satirists, who would themselves be astonished if they were held to the letter of their own descriptions. By listening only to these, your leaders regard all things only on the side of their vices and faults, and view those vices and faults under every color of exaggeration. It is undoubtedly true, though it may seem paradoxical, but, in general, those who are habitually employed in finding and displaying faults are unqualified for the work of reformation; because their minds are not only unfurnished with



patterns of the fair and good, but by habit they come to take no delight in the contemplation of those things. By hating vices too much, they come to love men too little. It is therefore not wonderful that they should be indisposed and unable to serve them. From hence arises the complexional disposition of some of your guides to pull everything in pieces. . . .

Men who undertake considerable things, even in a regular way, ought to give us ground to presume ability. But the physician of the state, who, not satisfied with the cure of distempers, undertakes to regenerate constitutions, ought to show uncommon powers. Some very unusual appearances of wisdom ought to display themselves on the face of the designs of those who appeal to no practice and who copy after no model. . . .

The legislators who framed the ancient republics knew that their business was too arduous to be accomplished with no better apparatus than the metaphysics of an undergraduate and the mathematics and arithmetic of an exciseman. They had to do with men, and they were obliged to study human nature. They had to do with citizens, and they were obliged to study the effects of those habits which are communicated by the circumstances of civil life. They were sensible that the operation of this second nature on the first produced a new combination; and thence arose many diversities amongst men, according to their birth, their education, their professions, the periods of their lives, their residence in towns or in the country, their several ways of acquiring and of fixing property, and according to the quality of the property itself, all which rendered them, as it were, so many different species of animals. From hence they thought themselves obliged to dispose their citizens into such classes, and to place them in such situations in the state, as their peculiar habits might qualify them to fill, and to allot to them such appropriated privileges as might secure to them what their specific occasions required, and which might furnish to each description such force as might protect it in the conflict caused by the diversity of interests that must exist, and must contend, in all complex society; for the legislator would have been ashamed that the coarse husbandman should well know how to assort and to use his sheep, horses, and oxen, and should have enough of common sense not to abstract and equalize them all into animals, without providing for each kind an appropriate food, care, and employment; whilst he, the economist, disposer, and shepherd of his own kindred, subliming himself into an airy metaphysician, was resolved to know nothing of his flocks but as men in general. It is for this reason that Mon-

tesquieu observed, very justly, that in their classification of the citizens the great legislators of antiquity made the greatest display of their powers, and even soared above themselves. It is here that your modern legislators have gone deep into the negative series, and sunk even below their own nothing. As the first sort of legislators attended to the different kinds of citizens, and combined them into one commonwealth, the others, the metaphysical and alchemical legislators, have taken the directly contrary course. They have attempted to confound all sorts of citizens, as well as they could, into one homogeneous mass; and then they divided this their amalgama into a number of incoherent republics. They reduce men to loose counters, merely for the sake of simple telling, and not to figures, whose power is to arise from their place in the table. The elements of their own metaphysics might have taught them better lessons. The trol of their categorical table might have informed them that there was something else in the intellectual world besides *substance* and *quantity*. . . .

So far from this able disposition of some of the old republican legislators, which follows with a solicitous accuracy the moral conditions and propensities of men, they have leveled and crushed together all the orders which they found, even under the coarse, unartificial arrangement of the monarchy, in which mode of government the classing of the citizens is not of so much importance as in a republic. It is true, however, that every such classification, if properly ordered, is good in all forms of government, and composes a strong barrier against the excesses of despotism, as well as it is the necessary means of giving effect and permanence to a republic. For want of something of this kind, if the present project of a republic should fail, all securities to a moderated freedom fail along with it, all the indirect restraints which mitigate despotism are removed; insomuch that, if monarchy should ever again obtain an entire ascendancy in France, under this or any other dynasty, it will probably be, if not voluntarily tempered, at setting out, by the wise and virtuous counsels of the prince, the most completely arbitrary power that has ever appeared on earth. . . .

### *Land Confiscation and Paper Currency*

Finding no sort of principle of coherence with each other in the nature and constitution of the several new republics of France,<sup>8</sup> I considered what cement the legislators had provided

<sup>8</sup> It was Burke's opinion that the French revolutionary legislators, in dividing France into departments, cantons, and communes, had created an ill-connected system of virtually independent republics.

for them from any extraneous materials. Their confederations, their *spectacles*, their civic feasts, and their enthusiasm I take no notice of; they are nothing but mere tricks; but tracing their policy through their actions, I think I can distinguish the arrangements by which they propose to hold these republics together. The first is the *confiscation*, with the compulsory paper currency annexed to it; the second is the supreme power of the city of Paris; the third is the general army of the state. . . .

As to the operation of the first (the confiscation and paper currency) merely as a cement, I cannot deny that these, the one depending on the other, may for some time compose some sort of cement, if their madness and folly in the management, and in the tempering of the parts together, does not produce a repulsion in the very outset. But allowing to the scheme some coherence and some duration, it appears to me that, if, after a while, the confiscation should not be found sufficient to support the paper coinage (as I am morally certain it will not), then, instead of cementing, it will add infinitely to the dissociation, distraction, and confusion of these confederate republics, both with relation to each other and to the several parts within themselves. But if the confiscation should so far succeed as to sink the paper currency, the cement is gone with the circulation. In the meantime its binding force will be very uncertain, and it will straiten or relax with every variation in the credit of the paper.

One thing only is certain in this scheme, which is an effect seemingly collateral, but direct, I have no doubt, in the minds of those who conduct this business. that is, its effect in producing an *oligarchy* in every one of the republics. A paper circulation, not founded on any real money deposited or engaged for, amounting already to four-and-forty millions of English money, and this currency by force substituted in the place of the coin of the kingdom, becoming thereby the substance of its revenue, as well as the medium of all its commercial and civil intercourse, must put the whole of what power, authority, and influence is left, in any form whatsoever it may assume, into the hands of the managers and conductors of this circulation.

In England we feel the influence of the Bank, though it is only the center of a voluntary dealing. He knows little, indeed, of the influence of money upon mankind who does not see the force of the management of a moneyed concern which is so much more extensive, and in its nature so much more depending on the managers, than any of ours. But this is not merely a money concern. There is another member in the system inseparably connected

with this money management. It consists in the means of drawing out at discretion portions of the confiscated lands for sale, and carrying on a process of continual transmutation of paper into land and land into paper. When we follow this process in its effects, we may conceive something of the intensity of the force with which this system must operate. By this means the spirit of money-jobbing and speculation goes into the mass of land itself, and incorporates with it. By this kind of operation, that species of property becomes, as it were, volatilized, it assumes an unnatural and monstrous activity, and thereby throws into the hands of the several managers, principal and subordinate, Parisian and provincial, all the representative of money, and perhaps a full tenth part of all the land in France, which has now acquired the worst and most pernicious part of the evil of a paper circulation, the greatest possible uncertainty in its value. . . .

The new dealers, being all habitually adventurers, and without any fixed habits or local predilections, will purchase to job out again, as the market of paper or of money or of land shall present an advantage . . .

Your legislators, in everything new, are the very first who have founded a commonwealth upon gaming, and infused this spirit into it as its vital breath. The great object in these politics is to metamorphose France from a great kingdom into one great play-table; to turn its inhabitants into a nation of gamblers, to make speculation as extensive as life, to mix it with all its concerns; and to divert the whole of the hopes and fears of the people from their usual channels into the impulses, passions, and superstitions of those who live on chances. They loudly proclaim their opinion that thus their present system of a republic cannot possibly exist without this kind of gaming fund, and that the very thread of its life is spun out of the staple of these speculations. The old gaming in funds was mischievous enough, undoubtedly; but it was so only to individuals. Even when it had its greatest extent, in the Mississippi and South Sea, it affected but few, comparatively; where it extends further, as in lotteries, the spirit has but a single object. But where the law, which in most circumstances forbids and in none countenances gaming, is itself debauched, so as to reverse its nature and policy and expressly to force the subject to this destructive table, by bringing the spirit and symbols of gaming into the minutest matters, and engaging everybody in it, and in everything, a more dreadful epidemic distemper of that kind is spread than yet has appeared in the world. With you a man can neither earn nor buy his din-

ner without a speculation. What he receives in the morning will not have the same value at night. What he is compelled to take as pay for an old debt will not be received as the same when he comes to pay a debt contracted by himself; nor will it be the same when by prompt payment he would avoid contracting any debt at all. Industry must whither away. Economy must be driven from your country. Careful provision will have no existence. Who will labor without knowing the amount of his pay? Who will study to increase what none can estimate? Who will accumulate when he does not know the value of what he saves? If you abstract it from its uses in gaming, to accumulate your paper wealth would be, not the providence of a man, but the distempered instinct of a jackdaw.

The truly melancholy part of the policy of systematically making a nation of gamblers is this: that though all are forced to play, few can understand the game, and fewer still are in a condition to avail themselves of that knowledge. The many must be the dupes of the few who conduct the machine of these speculations. What effect it must have on the country people is visible. The townsman can calculate from day to day; not so the inhabitant of the country. When the peasant first brings his corn to market, the magistrate in the towns obliges him to take the assignat at par; when he goes to the shop with this money, he finds it seven per cent the worse for crossing the way. This market he will not readily resort to again. The towns-people will be inflamed; they will force the country people to bring their corn. Resistance will begin, and the murders of Paris and St. Denis may be renewed through all France.

. . . Where have you placed the real power over moneyed and landed circulation? Where have you placed the means of raising and falling the value of every man's freehold? Those whose operations can take from or add ten per cent to the possessions of every man in France must be the masters of every man in France. The whole of the power obtained by this Revolution will settle in the towns among the burghers, and the moneyed directors who lead them. The landed gentleman, the yeoman, and the peasant have, none of them, habits or inclinations or experience which can lead them to any share in this the sole source of power and influence now left in France. The very nature of a country life, the very nature of landed property, in all the occupations and all the pleasures they afford, render combination and arrangement (the sole way of procuring and exerting influence) in a manner impossible amongst country people. Combine them by

all the art you can, and all the industry, they are always dissolving into individuality. Anything in the nature of incorporation is almost impracticable amongst them. Hope, fear, alarm, jealousy, the ephemeral tale that does its business and dies in a day, all these things, which are the reins and spurs by which leaders check or urge the minds of followers, are not easily employed, or hardly at all, amongst scattered people. They assemble, they arm, they act, with the utmost difficulty, and at the greatest charge. Their efforts, if ever they can be commenced, cannot be sustained. They cannot proceed systematically. If the country gentlemen attempt an influence through the mere income of their property, what is it to that of those who have ten times their income to sell, and who can ruin their property by bringing their plunder to meet it at market? If the landed man wishes to mortgage, he falls the value of his land and raises the value of assignats. He augments the power of his enemy by the very means he must take to contend with him. The country gentleman, therefore, the officer by sea and land, the man of liberal views and habits, attached to no profession, will be as completely excluded from the government of his country as if he were legislatively proscribed. It is obvious that, in the towns, all the things which conspire against the country gentleman combine in favor of the money manager and director. In towns combination is natural. The habits of burghers, their occupations, their diversion, their business, their idleness, continually bring them into mutual contact. Their virtues and their vices are sociable; they are always in garrison; and they come embodied and half-disciplined into the hands of those who mean to form them for civil or military action.

All these considerations leave no doubt on my mind that if this monster of a constitution can continue, France will be wholly governed by the agitators in corporations, by societies in the towns, formed of directors in assignats, and trustees for the sale of church lands, attorneys, agents, money-jobbers, speculators, and adventurers, composing an ignoble oligarchy, founded on the destruction of the crown, the church, the nobility, and the people. Here end all the deceitful dreams and visions of the equality and rights of men. In "the Serbonian bog" of this base oligarchy they are all absorbed, sunk, and lost forever. . . .

## *The Dictatorship of Paris and the Disintegration of France*

The second material of cement for their new republic is the superiority of the city of Paris; and this, I admit, is strongly connected with the other cementing principle of paper circulation and confiscation. It is in this part of the project we must look for the cause of the destruction of all the old bounds of provinces and jurisdictions, ecclesiastical and secular, and the dissolution of all ancient combinations of things, as well as the formation of so many small unconnected republics. The power of the city of Paris is evidently one great spring of all their politics. It is through the power of Paris, now become the center and focus of jobbing, that the leaders of this faction direct, or rather command, the whole legislative and the whole executive government. Everything, therefore, must be done which can confirm the authority of that city over the other republics. Paris is compact; she has an enormous strength, wholly disproportioned to the force of any of the square republics; and this strength is collected and condensed within a narrow compass. Paris has a natural and easy connection of its parts, which will not be affected by any scheme of a geometrical constitution; nor does it much signify whether its proportion of representation be more or less, since it has the whole draught of fishes in its drag-net. The other divisions of the kingdom, being hackled and torn to pieces, and separated from all their habitual means and even principles of union, cannot, for some time at least, confederate against her. . . .

To a person who takes a view of the whole, the strength of Paris, thus formed, will appear a system of general weakness. It is boasted that the geometrical policy has been adopted, that all local ideas should be sunk, and that the people should be no longer Gascons, Picards, Bretons, Normans—but Frenchmen, with one country, one heart, and one Assembly. But, instead of being all Frenchmen, the greater likelihood is that the inhabitants of that region will shortly have no country. No man ever was attached by a sense of pride, partiality, or real affection to a description of square measurement. He never will glory in belonging to the chequer No. 71, or to any other badge-ticket. We begin our public affections in our families. No cold relation is a zealous citizen. We pass on to our neighborhoods, and our habitual provincial connections. These are inns and resting-places. Such divisions of our country as have been formed by habit, and not by a sudden jerk of authority, were so many little images of

the great country, in which the heart found something which it could fill. The love to the whole is not extinguished by this subordinate partiality. Perhaps it is a sort of elemental training to those higher and more large regards by which alone men come to be affected, as with their own concern, in the prosperity of a kingdom so extensive as that of France. In that general territory itself, as in the old name of provinces, the citizens are interested from old prejudices and unreasoned habits, and not on account of the geometric properties of its figure. The power and pre-eminence of Paris does certainly press down and hold these republics together as long as it lasts: but, for the reasons I have already given you, I think it cannot last very long.

Passing from the civil creating and the civil cementing principles of this constitution to the National Assembly, which is to appear and act as sovereign, we see a body in its constitution with every possible power and no possible external control. We see a body without fundamental laws, without established maxims, without respected rules of proceeding, which nothing can keep firm to any system whatsoever. Their idea of their powers is always taken at the utmost stretch of legislative competency, and their examples for common cases from the exceptions of the most urgent necessity. The future is to be in most respects like the present Assembly; but, by the mode of the new elections and the tendency of the new circulations, it will be purged of the small degree of internal control existing in a minority chosen originally from various interests, and preserving something of their spirit. If possible, the next Assembly must be worse than the present. The present, by destroying and altering everything, will leave to their successors apparently nothing popular to do. They will be roused by emulation and example to enterprises the boldest and the most absurd. To suppose such an assembly sitting in perfect quietude is ridiculous.

Your all-sufficient legislators, in their hurry to do everything at once, have forgot one thing that seems essential, and which, I believe, never has been before, in the theory or the practice, omitted by any projector of a republic. They have forgot to constitute a *senate*, or something of that nature and character. Never, before this time, was heard of a body politic composed of one legislative and active assembly, and its executive officers, without such a council: without something to which foreign states might connect themselves; something to which, in the ordinary detail of government, the people could look up; something which might give a bias and steadiness, and preserve something like consist-



ency in the proceedings of state. Such a body kings generally have as a council. A monarchy may exist without it; but it seems to be in the very essence of a republican government. It holds a sort of middle place between the supreme power exercised by the people, or immediately delegated from them, and the mere executive. Of this there are no traces in your constitution, and in providing nothing of this kind, your Solons and Numas have, as much as in anything else, discovered a sovereign incapacity.

*A Degraded King, a Degraded Ministry,  
and a Degraded Judicature*

Let us now turn our eyes to what they have done towards the formation of an executive power. For this they have chosen a degraded king. This their first executive officer is to be a machine, without any sort of deliberative discretion in any one act of his function. At best, he is but a channel to convey to the National Assembly such matter as may import that body to know. If he had been made the exclusive channel, the power would not have been without its importance, though infinitely perilous to those who would choose to exercise it. But public intelligence and statement of facts may pass to the Assembly with equal authenticity through any other conveyance. As to the means, therefore, of giving a direction to measures by the statement of an authorized reporter, this office of intelligence is as nothing.

To consider the French scheme of an executive officer, in its two natural divisions of civil and political. In the first it must be observed that, according to the new constitution, the higher parts of judicature, in either of its lines, are not in the king. The king of France is not the fountain of justice. The judges, neither the original nor the appellate, are of his nomination. He neither proposes the candidates nor has a negative on the choice. He is not even the public prosecutor. He serves only as a notary, to authenticate the choice made of the judges in the several districts. By his offices he is to execute their sentence. When we look into the true nature of his authority, he appears to be nothing more than a chief of bumbailiffs, sergeants-at-mace, catchpoles, jailers, and hangmen. It is impossible to place anything called royalty in a more degrading point of view. A thousand times better it had been for the dignity of this unhappy prince that he had nothing at all to do with the administration of justice, deprived as he is of all that is venerable and all that is consolatory in that function, without power of originating any process, without a power of suspension, mitigation, or pardon. Everything in

justice that is vile and odious is thrown upon him. It was not for nothing that the Assembly has been at such pains to remove the stigma from certain offices, when they were resolved to place the person who had lately been their king in a situation but one degree above the executioner, and in an office nearly of the same quality. It is not in nature that, situated as the king of the French now is, he can respect himself or can be respected by others.

View this new executive officer on the side of his political capacity, as he acts under the orders of the National Assembly. To execute laws is a royal office; to execute orders is not to be a king. However, a political executive magistracy, though merely such, is a great trust. It is a trust, indeed, that has much depending upon its faithful and diligent performance, both in the person presiding in it and in all its subordinates. Means of performing this duty ought to be given by regulation; and dispositions towards it ought to be infused by the circumstances attendant on the trust. It ought to be environed with dignity, authority, and consideration, and it ought to lead to glory. The office of execution is an office of exertion. It is not from impotence we are to expect the tasks of power. What sort of person is a king to command executory service who has no means whatsoever to reward it: not in a permanent office; not in a grant of land; no, not in a pension of fifty pounds a year; not in the vainest and most trivial title? In France the king is no more the fountain of honor than he is the fountain of justice. All rewards, all distinctions, are in other hands. Those who serve the king can be actuated by no natural motive but fear—by a fear of everything except their master. His functions of internal coercion are as odious as those which he exercises in the department of justice. If relief is to be given to any municipality, the Assembly gives it. If troops are to be sent to reduce them to obedience to the Assembly, the king is to execute the order; and upon every occasion he is to be spattered over with the blood of his people. He has no negative; yet his name and authority is used to enforce every harsh decree. Nay, he must concur in the butchery of those who shall attempt to free him from his imprisonment, or show the slightest attachment to his person or to his ancient authority. . . .

A king circumstanced as the present, if he is totally stupified by his misfortunes, so as to think it not the necessity but the premium and privilege of life to eat and sleep, without any regard to glory, can never be fit for the office. If he feels as men commonly feel, he must be sensible that an office so circumstanced is one in which he can obtain no fame or reputation. He has no

generous interest that can excite him to action. At best, his conduct will be passive and defensive. To inferior people such an office might be matter of honor. But to be raised to it and to descend to it are different things, and suggest different sentiments. Does he *really* name the ministers? They will have a sympathy with him. Are they forced upon him? The whole business between them and the nominal king will be mutual counteraction. In all other countries the office of ministers of state is of the highest dignity. In France it is full of peril, and incapable of glory. Rivals, however, they will have in their nothingness, whilst shallow ambition exists in the world, or the desire of a miserable salary is an incentive to short-sighted avarice. Those competitors of the ministers are enabled by your constitution to attack them in their vital parts, whilst they have not the means of repelling their charges in any other than the degrading character of culprits. The ministers of state in France are the only persons in that country who are incapable of a share in the national councils. What ministers! What councils! What a nation! But they are responsible. It is a poor service that is to be had from responsibility. The elevation of mind to be derived from fear will never make a nation glorious. Responsibility prevents crimes. It makes all attempts against the laws dangerous. But for a principle of active and zealous service, none but idiots could think of it. Is the conduct of a war to be trusted to a man who may abhor its principle; who, in every step he may take to render it successful, confirms the power of those by whom he is oppressed? Will foreign states seriously treat with him who has no prerogative of peace or war — no, not so much as in a single vote by himself or his ministers, or by anyone whom he can possibly influence? A state of contempt is not a state for a prince better get rid of him at once. . . .

You have settled, by an economy as perverted as the policy, two establishments of government: one real, one fictitious; both maintained at a vast expense; but the fictitious at, I think, the greatest. Such a machine as the latter is not worth the grease of its wheels. The expense is exorbitant; and neither the show nor the use deserve the tenth part of the charge. Oh! but I don't do justice to the talents of the legislators: I don't allow, as I ought to do, for necessity. Their scheme of executive force was not their choice. This pageant must be kept. The people would not consent to part with it. Right: I understand you. You do, in spite of your grand theories, to which you would have heaven and earth to bend, you do know how to conform yourselves to the nature and circumstances of things. But when you were obliged to con-

form thus far to circumstances, you ought to have carried your submission farther, and to have made, what you were obliged to take, a proper instrument, and useful to its end. That was in your power. For instance, among many others, it was in your power to leave to your king the right of peace and war. What! to leave to the executive magistrate the most dangerous of all prerogatives? I know none more dangerous; nor any one more necessary to be so trusted. I do not say that this prerogative ought to be trusted to your king unless he enjoyed other auxiliary trusts along with it which he does not now hold. But if he did possess them, hazardous as they are undoubtedly, advantages would arise from such a constitution more than compensating the risk. There is no other way of keeping the several potentates of Europe from intriguing distinctly and personally with the members of your Assembly, from intermeddling in all your concerns, and fomenting, in the heart of your country, the most pernicious of all factions — factions in the interest and under the direction of foreign powers. . . .

I hear that the persons who are called ministers have signified an intention of resigning their places. I am rather astonished that they have not resigned long since. For the universe I would not have stood in the situation in which they have been for this last twelvemonth. They wished well, I take it for granted, to the Revolution. Let this fact be as it may, they could not, placed as they were upon an eminence, though an eminence of humiliation, but be the first to see collectively, and to feel each in his own department, the evils which have been produced by that Revolution. In every step which they took, or forbore to take, they must have felt the degraded situation of their country, and their utter incapacity of serving it. They are in a species of subordinate servitude in which no men before them were ever seen. Without confidence from their sovereign on whom they were forced, or from the Assembly who forced them upon him, all the noble functions of their office are executed by committees of the Assembly, without any regard whatsoever to their personal or their official authority. They are to execute, without power; they are to be responsible, without discretion; they are to deliberate, without choice. In their puzzled situation, under two sovereigns, over neither of whom they have any influence, they must act in such a manner as (in effect, whatever they may intend) sometimes to betray the one, sometimes the other, and always to betray themselves. Such has been their situation; such must be the situation of those who succeed them. . . .

A great deal more might be observed on the strange constitution of the executory part of the new government; but fatigue must give bounds to the discussion of subjects which in themselves have hardly any limits.

As little genius and talent am I able to perceive in the plan of judicature formed by the National Assembly According to their invariable course, the framers of your constitution have begun with the utter abolition of the parliaments These venerable bodies, like the rest of the old government, stood in need of reform, even though there should be no change made in the monarchy. They required several more alterations to adapt them to the system of a free constitution But they had particulars in their constitution, and those not a few, which deserved approbation from the wise. They possessed one fundamental excellence they were independent. The most doubtful circumstance attendant on their office, that of its being vendible, contributed, however, to this independency of character. They held for life Indeed, they may be said to have held by inheritance. Appointed by the monarch, they were considered as nearly out of his power. The most determined exertions of that authority against them only showed their radical independence They composed permanent bodies politic, constituted to resist arbitrary innovation; and from that corporate constitution, and from most of their forms, they were well calculated to afford both certainty and stability to the laws They had been a safe asylum to secure these laws, in all the revolutions of humor and opinion They had saved that sacred deposit of the country during the reigns of arbitrary princes and the struggles of arbitrary factions. They kept alive the memory and record of the constitution They were the great security to private property; which might be said (when personal liberty had no existence) to be, in fact, as well guarded in France as in any other country. Whatever is supreme in a state ought to have, as much as possible, its judicial authority so constituted as not only not to depend upon it, but in some sort to balance it. It ought to give a security to its justice against its power It ought to make its judicature, as it were, something exterior to the state.

These parliaments had furnished, not the best certainly, but some considerable corrective to the excesses and vices of the monarchy. Such an independent judicature was ten times more necessary when a democracy became the absolute power of the country. In that constitution, elective, temporary, local judges, such as you have contrived, exercising their dependent functions in a narrow society, must be the worst of all tribunals. In them it will be

vain to look for any appearance of justice towards strangers, towards the obnoxious rich, towards the minority of routed parties, towards all those who in the election have supported unsuccessful candidates. It will be impossible to keep the new tribunals clear of the worst spirit of faction. . . .

It would have been prudent, along with the parliaments, to preserve their ancient power of registering, and of remonstrating at least upon, all the decrees of the National Assembly, as they did upon those which passed in the time of the monarchy. It would be a means of squaring the occasional decrees of a democracy to some principles of general jurisprudence. . . .

Your vesting the power of remonstrance, which in the time of the monarchy existed in the Parliament of Paris, in your principal executive officer, whom, in spite of common sense, you persevere in calling king, is the height of absurdity. You ought never to suffer remonstrance from him who is to execute. This is to understand neither council nor execution, neither authority nor obedience. The person whom you call king ought not to have this power, or he ought to have more.

. . . Instead of imitating your monarchy, and seating your judges on a bench of independence, your object is to reduce them to the most blind obedience. As you have changed all things, you have invented new principles of order. You first appoint judges, who, I suppose, are to determine according to law, and then you let them know that, at some time or other, you intend to give them some law by which they are to determine. Any studies which they have made (if any they have made) are to be useless to them. But to supply these studies, they are to be sworn to obey all the rules, orders, and instructions which from time to time they are to receive from the National Assembly. These if they submit to, they leave no ground of law to the subject. They become complete and most dangerous instruments in the hands of the governing power, which, in the midst of a cause, or on the prospect of it, may wholly change the rule of decision. . . .

The Assembly, indeed, promises that they will form a body of law, which shall be short, simple, clear, and so forth. That is, by their short laws they will leave much to the discretion of the judge, whilst they have exploded the authority of all the learning which could make judicial discretion (a thing perilous at best) deserving the appellation of a *sound* discretion.

It is curious to observe that the administrative bodies are carefully exempted from the jurisdiction of these new tribunals. That is, those persons are exempted from the power of the laws who

ought to be the most entirely submitted to them. Those who execute public pecuniary trusts ought of all men to be the most strictly held to their duty. One would have thought that it must have been among your earliest cares, if you did not mean that those administrative bodies should be real, sovereign, independent states, to form an awful tribunal, like your late parliaments, or like our King's Bench, where all corporate officers might obtain protection in the legal exercise of their functions, and would find coercion if they trespassed against their legal duty. But the cause of the exemption is plain. These administrative bodies are the great instruments of the present leaders in their progress through democracy to oligarchy. They must therefore be put above the law. It will be said that the legal tribunals which you have made are unfit to coerce them. They are, undoubtedly. They are unfit for any rational purpose. It will be said, too, that the administrative bodies will be accountable to the general Assembly. This, I fear, is talking without much consideration of the nature of that Assembly or of these corporations. However, to be subject to the pleasure of that Assembly is not to be subject to law, either for protection or for constraint. . . .

### *Mutiny and Chaos in the Army*

Has more wisdom been displayed in the constitution of your army than what is discoverable in your plan of judicature? The able arrangement of this part is the more difficult, and requires the greater skill and attention, not only as a great concern in itself, but as it is the third cementing principle in the new body of republics which you call the French nation. . . .

The minister and secretary of state for the War Department is M. de La Tour du Pin . . . His statement of facts relative to the military of France is important, not only from his official and personal authority, but because it displays very clearly the actual condition of the army in France, and because it throws light on the principles upon which the Assembly proceeds in the administration of this critical object. . . . Addressing himself to the National Assembly,<sup>9</sup> he says

"His Majesty has *this day* sent me to apprise you of the multiplied disorders of which *every day* he receives the most distressing intelligence. The army [*le corps militaire*] threatens to fall into the most turbulent anarchy. Entire regiments have dared to violate at once the respect due to the laws, to the king, to the order established by your decrees, and to the oaths which they

<sup>9</sup> On June 4, 1790.

have taken with the most awful solemnity. Compelled by my duty to give you information of these excesses, my heart bleeds when I consider who they are that have committed them. Those against whom it is not in my power to withhold the most grievous complaints are a part of that very soldiery which to this day have been so full of honor and loyalty, and with whom for fifty years I have lived the comrade and the friend.

"What incomprehensible spirit of delirium and delusion has all at once led them astray? Whilst you are indefatigable in establishing uniformity in the empire and molding the whole into one coherent and consistent body, whilst the French are taught by you at once the respect which the laws owe to the rights of man and that which the citizens owe to the laws, the administration of the army presents nothing but disturbance and confusion. I see in more than one corps the bonds of discipline relaxed or broken; the most unheard-of pretensions avowed directly and without any disguise; the ordinances without force; the chiefs without authority; the military chest and the colors carried off; the authority of the King himself proudly defied; the officers despised, degraded, threatened, driven away, and some of them prisoners in the midst of their corps, dragging on a precarious life in the bosom of disgust and humiliation. To fill up the measure of all these horrors, the commandants of places have had their throats cut under the eyes and almost in the arms of their own soldiers.

"These evils are great; but they are not the worst consequences which may be produced by such military insurrections. Sooner or later they may menace the nation itself. *The nature of things requires* that the army should never act but as *an instrument*. The moment that, erecting itself into a deliberate body, it shall act according to its own resolutions, *the government, be it what it may, will immediately degenerate into a military democracy: a species of political monster which has always ended by devouring those who have produced it. . . .*"

I cannot help pausing here for a moment, to reflect upon the expressions of surprise which this minister has let fall relative to the excesses he relates. To him the departure of the troops from their ancient principles of loyalty and honor seems quite inconceivable. Surely those to whom he addresses himself know the causes of it but too well. They know the doctrines which they have preached, the decrees which they have passed, the practices which they have countenanced. The soldiers remember the sixth of October. They recollect the French guards. They have not for-



got the taking of the king's castles in Paris and at Marseilles That the governors in both places were murdered with impunity is a fact that has not passed out of their minds They do not abandon the principles, laid down so ostentatiously and laboriously, of the equality of men But M du Pin is astonished at their disloyalty, when the doctors of the Assembly have taught them at the same time the respect due to laws It is easy to judge which of the two sorts of lessons men with arms in their hands are likely to learn .

It is now to be seen what has been proposed in this exigency, one of the greatest that can happen in a state The minister requests the Assembly to array itself in all its terrors, and to call forth all its majesty He desires that the grave and severe principles announced by them may give vigor to the King's proclamation After this we should have looked for courts civil and martial, breaking of some corps, decimating of others, and all the terrible means which necessity has employed in such cases to arrest the progress of the most terrible of all evils, particularly, one might expect that a serious inquiry would be made into the murder of commandants in the view of their soldiers Not one word of all this, or of anything like it After they had been told that the soldiery trampled upon the decrees of the Assembly promulgated by the King, the Assembly pass new decrees, and they authorize the King to make new proclamations After the secretary at war had stated that the regiments had paid no regard to oaths, *prêtés avec la plus imposante solennité*, they propose—what? More oaths They renew decrees and proclamations as they experience their insufficiency, and they multiply oaths in proportion as they weaken in the minds of men the sanctions of religion .

To prevent the mischiefs arising from conspiracies, irregular consultations seditious committees, and monstrous democratic assemblies of the soldiers, and all the disorders arising from idleness, luxury, dissipation, and insubordination, I believe the most astonishing means have been used that ever occurred to men, even in all the inventions of this prolific age It is no less than this the King has promulgated in circular letters to all the regiments his direct authority and encouragement, that the several corps should join themselves with the clubs and confederations in the several municipalities, and mix with them in their feasts and civic entertainments! This jolly discipline, it seems, is to soften the ferocity of their minds, to reconcile them to their bottle companions of other descriptions, and to merge particular conspiracies in more general associations. That this remedy would be

pleasing to the soldiers, as they are described by M. de La Tour du Pin, I can readily believe — and that, however mutinous otherwise, they will dutifully submit themselves to *these* royal proclamations. . . .

Concerning the likelihood of this improvement in discipline by the free conversation of the soldiers with the municipal festive societies, which is thus officially encouraged by royal authority and sanction, we may judge by the state of the municipalities themselves, furnished to us by the war minister in this very speech. He conceives good hopes of the success of his endeavors towards restoring order *for the present* from the good disposition of certain regiments; but he finds something cloudy with regard to the future. As to preventing the return of confusion, "for this the administration," says he, "cannot be answerable to you, as long as they see the municipalities arrogate to themselves an authority over the troops which your institutions have reserved wholly to the monarch. You have fixed the limits of the military authority and the municipal authority. You have bounded the action which you have permitted to the latter over the former to the right of requisition; but never did the letter or the spirit of your decrees authorize the commons in these municipalities to break the officers, to try them, to give orders to the soldiers, to drive them from the posts committed to their guard, to stop them in their marches ordered by the King, or, in a word, to enslave the troops to the caprice of each of the cities or even market-towns through which they are to pass."

Such is the character and disposition of the municipal society which is to reclaim the soldiery, to bring them back to the true principles of military subordination, and to render them machines in the hands of the supreme power of the country! Such are the distempers of the French troops! Such is their cure! . . .

The imbecility of any part of the puerile and pedantic system which they call a constitution cannot be laid open without discovering the utter insufficiency and mischief of every other part with which it comes in contact, or that bears any the remotest relation to it. You cannot propose a remedy for the incompetence of the crown without displaying the debility of the Assembly. You cannot deliberate on the confusion of the army of the state without disclosing the worse disorders of the armed municipalities. The military lays open the civil, and the civil betrays the military anarchy. I wish everybody carefully to peruse the eloquent speech (such it is) of M. de La Tour du Pin. He attributes the salvation of the municipalities to the good behavior of some of the troops.

These troops are to preserve the well disposed part of the municipalities, which is confessed to be the weakest, from the pillage of the worst disposed, which is the strongest. But the municipalities affect a sovereignty, and will command those troops which are necessary for their protection. Indeed, they must command them or court them. The municipalities, by the necessity of their situation, and by the republican powers they have obtained, must, with relation to the military, be the masters, or the servants, or the confederates, or each successively, or they must make a jumble of all together, according to circumstances. What government is there to coerce the army but the municipality, or the municipality but the army? To preserve concord where authority is extinguished, at the hazard of all consequences, the Assembly attempts to cure the distempers by the distempers themselves, and they hope to preserve themselves from a purely military democracy by giving it a debauched interest in the municipal

The military conspiracies which are to be remedied by civic confederacies, the rebellious municipalities which are to be rendered obedient by furnishing them with the means of seducing the very armies of the state that are to keep them in order — all these chimeras of a monstrous and portentous policy must aggravate the confusion from which they have arisen. There must be blood. The want of common judgment manifested in the construction of all their descriptions of forces, and in all their kinds of civil and judicial authorities, will make it flow. Disorders may be quieted in one time and in one part. They will break out in others, because the evil is radical and intrinsic. All these schemes of mixing mutinous soldiers with seditious citizens must weaken still more and more the military connection of soldiers with their officers, as well as add military and mutinous audacity to turbulent artificers and peasants. To secure a real army, the officer should be first and last in the eye of the soldier — first and last in his attention, observance, and esteem. Officers, it seems, there are to be, whose chief qualification must be temper and patience. They are to manage their troops by electioneering arts. They must bear themselves as candidates, not as commanders. But as by such means power may be occasionally in their hands, the authority by which they are to be nominated becomes of high importance.

You seem to have given the provisional nomination of the officers, in the first instance, to the king, with a reserve of approbation by the National Assembly. Men who have an interest to pursue are extremely sagacious in discovering the true seat of

power. They must soon perceive that those who can negative indefinitely in reality appoint. The officers must therefore look to their intrigues in the Assembly as the sole certain road to promotion. Still, however, by your new constitution, they must begin their solicitation at court. This double negotiation for military rank seems to me a contrivance, as well adapted as if it were studied for no other end, to promote faction in the Assembly itself relative to this vast military patronage; and then to poison the corps of officers with factions of a nature still more dangerous to the safety of government, upon any bottom on which it can be placed, and destructive in the end to the efficacy of the army itself. Those officers who lose the promotions intended for them by the crown must become of a faction opposite to that of the Assembly which has rejected their claims, and must nourish discontents in the heart of the army against the ruling powers. Those officers, on the other hand, who, by carrying their point through an interest in the Assembly, feel themselves to be at best only second in the good-will of the crown, though first in that of the Assembly, must slight an authority which would not advance and could not retard their promotion. If, to avoid these evils, you will have no other rule for command or promotion than seniority, you will have an army of formality; at the same time it will become more independent and more of a military republic. Not they, but the king is the machine. A king is not to be deposed by halves. If he is not everything in the command of an army, he is nothing. What is the effect of a power placed nominally at the head of the army who to that army is no object of gratitude or of fear? Such a cipher is not fit for the administration of an object of all things the most delicate, the supreme command of military men. They must be constrained (and their inclinations lead them to what their necessities require) by a real, vigorous, effective, decided, personal authority. The authority of the Assembly itself suffers by passing through such a debilitating channel as they have chosen. The army will not long look to an Assembly acting through the organ of false show and palpable imposition. They will not seriously yield obedience to a prisoner. They will either despise a pageant, or they will pity a captive king. This relation of your army to the crown will, if I am not greatly mistaken, become a serious dilemma in your politics.

It is besides to be considered whether an Assembly like yours, even supposing that it was in possession of another sort of organ through which its orders were to pass, is fit for promoting the obedience and discipline of an army. It is known that armies

have hitherto yielded a very precarious and uncertain obedience to any senate or popular authority, and they will least of all yield it to an Assembly which is to have only a continuance of two years. The officers must totally lose the characteristic disposition of military men if they see with perfect submission and due admiration the dominion of pleaders—especially when they find that they have a new court to pay to an endless succession of those pleaders, whose military policy, and the genius of whose command (if they should have any), must be as uncertain as their duration is transient. In the weakness of one kind of authority, and in the fluctuation of all, the officers of an army will remain for some time mutinous and full of faction, until some popular general who understands the art of conciliating the soldiery and who possesses the true spirit of command shall draw the eyes of all men upon himself. Armies will obey him on his personal account. There is no other way of securing military obedience in this state of things. But the moment in which that event shall happen, the person who really commands the army is your master—the master (that is little) of your king, the master of your Assembly, the master of your whole republic. . . .

### *The Legislation of the "Professors of Assignats"*

Having concluded my few remarks on the constitution of the supreme power, the executive, the judicature, the military, and on the reciprocal relation of all these establishments, I shall say something of the ability showed by your legislators with regard to the revenue.

In their proceedings relative to this object, if possible still fewer traces appear of political judgment or financial resource. When the States met, it seemed to be the great object to improve the system of revenue, to enlarge its collection, to cleanse it of oppression and vexation, and to establish it on the most solid footing. Great were the expectations entertained on that head throughout Europe. It was by this grand arrangement that France was to stand or fall; and this became, in my opinion very properly, the test by which the skill and patriotism of those who ruled in that Assembly would be tried. . . . Through the revenue alone the body politic can act in its true genius and character; and therefore it will display just as much of its collective virtue, and as much of that virtue which may characterize those who move it and are, as it were, its life and guiding principle, as it is possessed of a just revenue. For from hence not only mag-

nanimity, and liberality, and beneficence, and fortitude, and providence, and the tutelary protection of all good arts derive their food, and the growth of their organs, but continence, and self-denial, and labor, and vigilance, and frugality, and whatever else there is in which the mind shows itself above the appetite, are nowhere more in their proper element than in the provision and distribution of the public wealth. It is therefore not without reason that the science of speculative and practical finance, which must take to its aid so many auxiliary branches of knowledge, stands high in the estimation not only of the ordinary sort, but of the wisest and best men; and as this science has grown with the progress of its object, the prosperity and improvement of nations has generally increased with the increase of their revenues; and they will both continue to grow and flourish as long as the balance between what is left to strengthen the efforts of individuals and what is collected for the common efforts of the state bear to each other a due reciprocal proportion, and are kept in a close correspondence and communication. And perhaps it may be owing to the greatness of revenues, and to the urgency of state necessities, that old abuses in the constitution of finances are discovered, and their true nature and rational theory comes to be more perfectly understood; insomuch that a smaller revenue might have been more distressing in one period than a far greater is found to be in another, the proportionate wealth even remaining the same. In this state of things, the French Assembly found something in their revenues to preserve, to secure, and wisely to administer, as well as to abrogate and alter. Though their proud assumption might justify the severest tests, yet, in trying their abilities on their financial proceedings, I would only consider what is the plain, obvious duty of a common finance minister, and try them upon that, and not upon models of ideal perfection.

The objects of a financier are, then, to secure an ample revenue; to impose it with judgment and equality; to employ it economically; and when necessity obliges him to make use of credit, to secure its foundations in that instance, and forever, by the clearness and candor of his proceedings, the exactness of his calculations, and the solidity of his funds. . . .

Far from any increase of revenue in their hands, I find, by a report of M. Vernier, from the Committee of Finances, of the second of August last, that the amount of the national revenue, as compared with its produce before the Revolution, was di-

minished by the sum of two hundred millions, or *eight millions sterling*, of the annual income: considerably more than one third of the whole.

If this be the result of great ability, never surely was ability displayed in a more distinguished manner or with so powerful an effect. No common folly, no vulgar incapacity, no ordinary official negligence, even no official crime, no corruption, no speculation, hardly any direct hostility which we have seen in the modern world, could in so short a time have made so complete an overthrow of the finances and, with them, of the strength of a great kingdom. . . .

The sophisters and declaimers, as soon as the Assembly met, began with decrying the ancient constitution of the revenue in many of its most essential branches, such as the public monopoly of salt. They charged it, as truly as unwisely, with being ill-contrived, oppressive, and partial. This representation they were not satisfied to make use of in speeches preliminary to some plan of reform; they declared it in a solemn resolution or public sentence, as it were judicially passed upon it; and this they dispersed throughout the nation. At the time they passed the decree, with the same gravity they ordered the same absurd, oppressive, and partial tax to be paid, until they could find a revenue to replace it. The consequence was inevitable. The provinces which had been always exempted from this salt monopoly, some of whom were charged with other contributions, perhaps equivalent, were totally disinclined to bear any part of the burden, which by an equal distribution was to redeem the others. As to the Assembly, occupied as it was with the declaration and violation of the rights of men, and with their arrangements for general confusion, it had neither leisure nor capacity to contrive, nor authority to enforce, any plan of any kind relative to the replacing the tax, or equalizing it, or compensating the provinces, or for conducting their minds to any scheme of accommodation with the other districts which were to be relieved. The people of the salt provinces, impatient under taxes damned by the authority which had directed their payment, very soon found their patience exhausted. They thought themselves as skillful in demolishing as the Assembly could be. They relieved themselves by throwing off the whole burden. Animated by this example, each district, or part of a district, judging of its own grievance by its own feeling, and of its remedy by its own opinion, did as it pleased with other taxes.

We are next to see how they have conducted themselves in

contriving equal impositions, proportioned to the means of the citizens, and the least likely to lean heavy on the active capital employed in the generation of that private wealth from whence the public fortune must be derived. By suffering the several districts, and several of the individuals in each district, to judge of what part of the old revenue they might withhold, instead of better principles of equality, a new inequality was introduced of the most oppressive kind. Payments were regulated by dispositions. The parts of the kingdom which were the most submissive, the most orderly, or the most affectionate to the commonwealth bore the whole burden of the state. Nothing turns out to be so oppressive and unjust as a feeble government. To fill up all the deficiencies in the old impositions, and the new deficiencies of every kind which were to be expected, what remained to a state without authority? The National Assembly called for a voluntary benevolence—for a fourth part of the income of all the citizens, to be estimated on the honor of those who were to pay. They obtained something more than could be rationally calculated, but what was far indeed from answerable to their real necessities, and much less to their fond expectations. Rational people could have hoped for little from this their tax in the disguise of a benevolence: a tax weak, ineffective, and unequal; a tax by which luxury, avarice, and selfishness were screened, and the load thrown upon productive capital, upon integrity, generosity, and public spirit; a tax of regulation upon virtue. At length the mask is thrown off, and they are now trying means (with little success) of exacting their benevolence by force.

This benevolence, the rickety offspring of weakness, was to be supported by another resource, the twin brother of the same prolific imbecility. The patriotic donations were to make good the failure of the patriotic contribution. John Doe was to become security for Richard Roe. By this scheme they took things of much price from the giver, comparatively of small value to the receiver; they ruined several trades; they pillaged the crown of its ornaments, the churches of their plate, and the people of their personal decorations. The invention of those juvenile pretenders to liberty was in reality nothing more than a servile imitation of one of the poorest resources of doting despotism. They took an old, huge, full-bottomed periwig out of the wardrobe of the antiquated frippery of Louis the Fourteenth to cover the premature baldness of the National Assembly. . . . It seemed as if those who adopted such projects were wholly ignorant of their



circumstances, or wholly unequal to their necessities. Whatever virtue may be in these devices, it is obvious that neither the patriotic gifts nor the patriotic contribution can ever be resorted to again. The resources of public folly are soon exhausted. The whole, indeed, of their scheme of revenue is to make, by any artifice, an appearance of a full reservoir for the hour, whilst at the same time they cut off the springs and living fountains of perennial supply. . . .

At present the state of their treasury sinks every day more and more in cash, and swells more and more in fictitious representation. When so little within or without is now found but paper, the representative not of opulence but of want, the creature not of credit but of power, they imagine that our flourishing state in England is owing to that bank-paper, and not the bank-paper to the flourishing condition of our commerce, to the solidity of our credit, and to the total exclusion of all idea of power from any part of the transaction. They forget that in England not one shilling of paper money of any description is received but of choice; that the whole has had its origin in cash actually deposited; and that it is convertible at pleasure, in an instant, and without the smallest loss, into cash again. Our paper is of value in commerce because in law it is of none. It is powerful on 'Change because in Westminster Hall it is impotent. In payment of a debt of twenty shillings a creditor may refuse all the paper of the Bank of England. Nor is there amongst us a single public security, of any quality or nature whatsoever, that is enforced by authority. In fact, it might be easily shown that our paper wealth, instead of lessening the real coin, has a tendency to increase it; instead of being a substitute for money, it only facilitates its entry, its exit, and its circulation; that it is the symbol of prosperity, and not the badge of distress. . . .

Their fanatical confidence in the omnipotence of church plunder has induced these philosophers to overlook all care of the public estate, just as the dream of the philosopher's stone induces dupes, under the more plausible delusion of the hermetic art, to neglect all rational means of improving their fortunes. With these philosophic financiers, this universal medicine made of church mummy is to cure all the evils of the state. These gentlemen perhaps do not believe a great deal in the miracles of piety; but it cannot be questioned that they have an undoubting faith in the prodigies of sacrilege. Is there a debt which presses them? Issue *assignats*. Are compensations to be made or a maintenance decreed to those whom they have robbed of their free-

hold in their office or expelled from their profession? *Assignats*. Is a fleet to be fitted out? *Assignats*. If sixteen millions sterling of these *assignats* forced on the people leave the wants of the state as urgent as ever, issue, says one, thirty millions sterling of *assignats*; says another, issue fourscore millions more of *assignats*. The only difference among their financial factions is on the greater or the lesser quantity of *assignats* to be imposed on the public sufferance. They are all professors of *assignats*. Even those whose natural good sense and knowledge of commerce, not obliterated by philosophy, furnish decisive arguments against this delusion conclude their arguments by proposing the emission of *assignats*. I suppose they must talk of *assignats* as no other language would be understood. All experience of their inefficacy does not in the least discourage them. Are the old *assignats* depreciated at market? What is the remedy? Issue new *assignats*. . . .

To establish a current circulating credit upon any *land-bank*, under any circumstances whatsoever, has hitherto proved difficult at the very least. The attempt has commonly ended in bankruptcy. But when the Assembly were led, through a contempt of moral, to a defiance of economical principles, it might at least have been expected that nothing would be omitted on their part to lessen this difficulty, to prevent any aggravation of this bankruptcy. It might be expected that, to render your *land-bank* tolerable, every means would be adopted that could display openness and candor in the statement of the security, everything which could aid the recovery of the demand. To take things in their most favorable point of view, your condition was that of a man of a large landed estate which he wished to dispose of for the discharge of a debt and the supply of certain services. Not being able instantly to sell, you wished to mortgage. What would a man of fair intentions and a commonly clear understanding do in such circumstances? Ought he not first to ascertain the gross value of the estate, the charges of its management and disposition, the encumbrances perpetual and temporary of all kinds that affect it — then, striking a net surplus, to calculate the just value of the security? When that surplus (the only security to the creditor) had been clearly ascertained, and properly vested in the hands of trustees, then he would indicate the parcels to be sold, and the time and conditions of sale; after this he would admit the public creditor, if he chose it, to subscribe his stock into this new fund; or he might receive proposals for an *assignat* from those who would advance money to purchase this

species of security. This would be to proceed like men of business, methodically and rationally, and on the only principles of public and private credit that have an existence. The dealer would then know exactly what he purchased; and the only doubt which could hang upon his mind would be the dread of the resumption of the spoil, which one day might be made (perhaps with an addition of punishment) from the sacrilegious gripe of those execrable wretches who could become purchasers at the auction of their innocent fellow-citizens.

An open and exact statement of the clear value of the property, and of the time, the circumstances, and the place of sale, were all necessary to efface as much as possible the stigma that has hitherto been branded on every kind of land bank. It became necessary on another principle that is, on account of a pledge of faith previously given on that subject, that their future fidelity in a slippery concern might be established by their adherence to their first engagement. When they had finally determined on a state resource from church booty, they came, on the fourteenth of April 1790, to a solemn resolution on the subject, and pledged themselves to their country "that, in the statement of the public charges for each year, there should be brought to account a sum sufficient for defraying the expenses of the R C A religion, the support of the ministers at the altars, the relief of the poor, the pensions to the ecclesiastics, secular as well as regular, of the one and of the other sex, *in order that the estates and goods which are at the disposal of the nation may be disengaged of all charges, and employed by the representatives, or the legislative body, to the great and most pressing exigencies of the state*" They further engaged, on the same day, that the sum necessary for the year 1791 should be forthwith determined.

In this resolution they admit it their duty to show distinctly the expense of the above objects, which, by other resolutions, they had before engaged should be first in the order of provision. They admit that they ought to show the estate clear and disengaged of all charges, and that they should show it immediately. Have they done this immediately, or at any time? Have they ever furnished a rent-roll of the immovable estate, or given in an inventory of the movable effects which they confiscate to their assignats? In what manner they can fulfill their engagements of holding out to public service "an estate disengaged of all charges" without authenticating the value of the estate or the quantum of the charges, I leave it to their English admirers to explain. Instantly upon this assurance, and previously to any one step to-

wards making it good, they issue, on the credit of so handsome a declaration, sixteen millions sterling of their paper. This was manly. Who, after this masterly stroke, can doubt of their abilities in finance? But then, before any other emission of these financial *indulgences*, they took care at least to make good their original promise. If such estimate, either of the value of the estate or the amount of the encumbrances, has been made, it has escaped me. I never heard of it.

At length they have spoken out, and they have made a full discovery of their abominable fraud in holding out the church lands as a security for any debts or any service whatsoever. . . . By a report of their committee it now appears that the charge of keeping up the reduced ecclesiastical establishments, and other expenses attendant on religion, and maintaining the religious of both sexes, retained or pensioned, and the other concomitant expenses of the same nature, which they have brought upon themselves by this convulsion in property, exceeds the income of the estates acquired by it in the enormous sum of two millions sterling annually, besides a debt of seven millions and upwards. These are the calculating powers of imposture! This is the finance of philosophy! This is the result of all the delusions held out to engage a miserable people in rebellion, murder, and sacrilege, and to make them prompt and zealous instruments in the ruin of their country! Never did a state, in any case, enrich itself by the confiscations of the citizens. This new experiment has succeeded like all the rest. Every honest mind, every true lover of liberty and humanity, must rejoice to find that injustice is not always good policy, nor rapine the highroad to riches. . . .

A noble indignation rises in the minds of your popular leaders on hearing the magic-lantern in their show of finance compared to the fraudulent exhibitions of Mr Law.<sup>10</sup> They cannot bear to hear the sands of his Mississippi compared with the rock of the church, on which they build their system. Pray let them suppress this glorious spirit until they show to the world what piece of solid ground there is for their assignats which they have not preoccupied by other charges. They do injustice to that great mother fraud to compare it with their degenerate imitation. It is not true that Law built solely on a speculation concerning the Mississippi. He added the East India trade; he added the African trade; he added the farms of all the farmed revenue of France. All these together unquestionably could not support the struc-

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<sup>10</sup> John Law (1671-1729), Scottish financier and French controller-general.

ture which the public enthusiasm, not he, chose to build upon these bases. But these were, however, in comparison, generous delusions. They supposed, and they aimed at, an increase of the commerce of France. They opened to it the whole range of the two hemispheres. They did not think of feeding France from its own substance. A grand imagination found in this flight of commerce something to captivate. It was wherewithal to dazzle the eye of an eagle. It was not made to entice the smell of a mole, nuzzling and burying himself in his mother earth, as yours is. Men were not then quite shrunk from their natural dimensions by a degrading and sordid philosophy, and fitted for low and vulgar deceptions. Above all, remember that, in imposing on the imagination, the then managers of the system made a compliment to the freedom of men. In their fraud there was no mixture of force. This was reserved to our time, to quench the little glimmerings of reason which might break in upon the solid darkness of this enlightened age.

. . . The revenue will not be trifled with. The prattling about the rights of men will not be accepted in payment of a biscuit or a pound of gunpowder. Here, then, the metaphysicians descend from their airy speculations and faithfully follow examples. What examples? The examples of bankrupts. But defeated, baffled, disgraced, when their breath, their strength, their inventions, their fancies desert them, their confidence still maintains its ground. In the manifest failure of their abilities, they take credit for their benevolence. When the revenue disappears in their hands, they have the presumption, in some of their late proceedings, to value *themselves* on the relief given to the people. They did not relieve the people. . . .

To tell the people that they are relieved by the dilapidation of their public estate is a cruel and insolent imposition. Statesmen, before they valued themselves on the relief given to the people by the destruction of their revenue, ought first to have carefully attended to the solution of this problem. Whether it be more advantageous to the people to pay considerably and to gain in proportion, or to gain little or nothing and to be disburdened of all contribution? My mind is made up to decide in favor of the first proposition. Experience is with me, and, I believe, the best opinions also. To keep a balance between the power of acquisition on the part of the subject and the demands he is to answer on the part of the state is the fundamental part of the skill of a true politician. The means of acquisition are prior in time and in arrangement. Good order is the foundation of all

good things. To be enabled to acquire, the people, without being servile, must be tractable and obedient. The magistrate must have his reverence, the laws their authority. The body of the people must not find the principles of natural subordination by art rooted out of their minds. They must respect that property of which they cannot partake. They must labor to obtain what by labor can be obtained; and when they find, as they commonly do, the success disproportioned to the endeavor, they must be taught their consolation in the final proportions of eternal justice. Of this consolation whoever deprives them deadens their industry and strikes at the root of all acquisition as of all conservation. He that does this is the cruel oppressor, the merciless enemy of the poor and wretched; at the same time that by his wicked speculations he exposes the fruits of successful industry and the accumulations of fortune to the plunder of the negligent, the disappointed, and the unprosperous. . . .

### *A Record of Superficial Improvements and Fundamental Errors*

The effects of the incapacity shown by the popular leaders in all the great members of the commonwealth are to be covered with the "all-atoning name" of Liberty. In some people I see great liberty, indeed; in many, if not in the most, an oppressive, degrading servitude. But what is liberty without wisdom and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint. Those who know what virtuous liberty is cannot bear to see it disgraced by incapable heads, on account of their having high-sounding words in their mouths. Grand, swelling sentiments of liberty I am sure I do not despise. They warm the heart; they enlarge and liberalize our minds; they animate our courage in a time of conflict. Old as I am, I read the fine raptures of Lucan and Corneille with pleasure. Neither do I wholly condemn the little arts and devices of popularity. They facilitate the carrying of many points of moment; they keep the people together; they refresh the mind in its exertions; and they diffuse occasional gaiety over the severe brow of moral freedom. Every politician ought to sacrifice to the graces, and to join compliance with reason. But in such an undertaking as that in France all these subsidiary sentiments and artifices are of little avail. To make a government requires no great prudence. Settle the seat of power, teach obedience, and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a *free gov-*

*ernment*—that is, to temper together these opposite elements of liberty and restraint in one consistent work—requires much thought, deep reflection, a sagacious, powerful, and combining mind. This I do not find in those who take the lead in the National Assembly. Perhaps they are not so miserably deficient as they appear. I rather believe it. It would put them below the common level of human understanding. But when the leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of legislators: the instruments, not the guides of the people. If any of them should happen to propose a scheme of liberty soberly limited, and defined with proper qualifications, he will be immediately outbid by his competitors, who will produce something more splendidly popular. Suspicions will be raised of his fidelity to his cause. Moderation will be stigmatized as the virtue of cowards, and compromise as the prudence of traitors—until, in hopes of preserving the credit which may enable him to temper and moderate on some occasions, the popular leader is obliged to become active in propagating doctrines and establishing powers that will afterwards defeat any sober purpose at which he ultimately might have aimed.

But am I so unreasonable as to see nothing at all that deserves commendation in the indefatigable labors of this Assembly? I do not deny that, among an infinite number of acts of violence and folly, some good may have been done. They who destroy everything certainly will remove some grievance. They who make everything new have a chance that they may establish something beneficial. To give them credit for what they have done in virtue of the authority they have usurped, or to excuse them in the crimes by which that authority has been acquired, it must appear that the same things could not have been accomplished without producing such a revolution. Most assuredly they might; because almost every one of the regulations made by them, which is not very equivocal, was either in the cession of the king, voluntarily made at the meeting of the States, or in the concurrent instructions to the orders. Some usages have been abolished on just grounds; but they were such that, if they had stood as they were to all eternity, they would little detract from the happiness and prosperity of any state. The improvements of the National Assembly are superficial, their errors fundamental.

Whatever they are, I wish my countrymen rather to recommend to our neighbors the example of the British constitution

than to take models from them for the improvement of our own. In the former they have got an invaluable treasure. They are not, I think, without some causes of apprehension and complaint; but these they do not owe to their constitution, but to their own conduct. I think our happy situation owing to our constitution; but owing to the whole of it, and not to any part singly; owing in a great measure to what we have left standing in our several reviews and reformation, as well as to what we have altered or superadded. Our people will find employment enough for a truly patriotic, free, and independent spirit in guarding what they possess from violation. I would not exclude alteration neither; but even when I changed, it should be to preserve. I should be led to my remedy by a great grievance. In what I did I should follow the example of our ancestors. I would make the reparation as nearly as possible in the style of the building. A politic caution, a guarded circumspection, a moral rather than a complexional umidity, were among the ruling principles of our forefathers in their most decided conduct. Not being illuminated with the light of which the gentlemen of France tell us they have got so abundant a share, they acted under a strong impression of the ignorance and fallibility of mankind. He that had made them thus fallible rewarded them for having in their conduct attended to their nature. Let us imitate their caution if we wish to deserve their fortune or to retain their bequests. Let us add, if we please, but let us preserve what they have left; and standing on the firm ground of the British constitution, let us be satisfied to admire, rather than attempt to follow in their desperate flights, the acrobats of France. . . .

### 3. *The Disciples of Rousseau*

¶ The patriotism and political wisdom, the eloquence and literary force of the *Reflections* raised this publication to the dimensions of a great public event. England was awakened to some of the dangers in the French distemper; the spirit of national pride was stirred, and the popularity of Burke revived. On the other hand, a work so studded with bitter attacks on the Revolution was bound to provoke a literary counteroffensive. Many replies to Burke were published, including such tracts as Thomas Paine's *Rights of Man* and Sir James Mackintosh's *Vindiciæ Gallicæ*. But even before these and other less noted writers appeared in print against Burke, a member of the National Assembly at Paris published a letter under the date of November 17, 1790. He was sympathetic with Burke's general view, but



complained that the author of the *Reflections* had suggested "no plan for a remedy." To this Burke replied by publishing in early 1791 *A Letter to a Member of the National Assembly, in Answer to Some Objections to His Book on French Affairs*.<sup>11</sup>

"Sir," said Burke, "the proposition of plans without an attention to circumstances is the very cause of all your misfortunes; and never shall you find me aggravating, by the infusion of any speculations of mine, the evils which have arisen from the speculation of others."<sup>12</sup> But the principal purpose of this second attack on the Revolution was to combat the optimistic illusion that the revolutionaries, being well-meaning men, would not carry their principles to logical conclusions: that they did not mean what they said they meant. But Burke believed they would go on to every extremity, because he was sure their minds were corrupted. Proof for this he adduced in the enormous influence of Jean Jacques Rousseau, upon whose theories of human nature and society a new educational system was being constructed. The following passages contain Burke's famous attack on "the professor of the philosophy of vanity": ¶

. . . The indulgence of a sort of undefined hope, an obscure confidence that some lurking remains of virtue, some degree of shame, might exist in the breasts of the oppressors of France, has been among the causes which have helped to bring on the common ruin of king and people. There is no safety for honest men but by believing all possible evil of evil men, and by acting with promptitude, decision, and steadiness on that belief. I well remember, at every epoch of this wonderful history, in every scene of this tragic business, that when your sophistic usurpers were laying down mischievous principles, and even applying them in direct resolutions, it was the fashion to say that they never intended to execute those declarations in their rigor. This made men careless in their opposition, and remiss in early precaution. By holding out this fallacious hope, the impostors deluded sometimes one description of men and sometimes another, so that no means of resistance were provided against them when they came to execute in cruelty what they had planned in fraud.

There are cases in which a man would be ashamed not to have been imposed on. There is a confidence necessary to human intercourse, and without which men are often more injured by their

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<sup>11</sup> Works, IV, 3-55 The Frenchman so addressed was M. de Menonville Cf Works, V, 370

<sup>12</sup> Ibid, 42.

own suspicions than they would be by the perfidy of others. But when men whom we *know* to be wicked impose upon us, we are something worse than dupes. When we know them, their fair pretenses become new motives for distrust. There is one case, indeed, in which it would be madness not to give the fullest credit to the most deceitful of men: that is, when they make declarations of hostility against us.

I find that some persons entertain other hopes, which I confess appear more specious than those by which at first so many were deluded and disarmed. They flatter themselves that the extreme misery brought upon the people by their folly will at last open the eyes of the multitude, if not of their leaders. Much the contrary, I fear. As to the leaders in this system of imposture — you know that cheats and deceivers never can repent. The fraudulent have no resource but in fraud. They have no other goods in their magazine. They have no virtue or wisdom in their minds, to which, in a disappointment concerning the profitable effects of fraud and cunning, they can retreat. The wearing out of an old serves only to put them upon the invention of a new delusion. Unluckily, too, the credulity of dupes is as inexhaustible as the invention of knaves. They never give people possession; but they always keep them in hope. Your state doctors do not so much as pretend that any good whatsoever has hitherto been derived from their operations, or that the public has prospered in any one instance under their management. The nation is sick, very sick, by their medicines. But the charlatan tells them that what is past cannot be helped — they have taken the draught, and they must wait its operation with patience; that the first effects, indeed, are unpleasant, but that the very sickness is a proof that the dose is of no sluggish operation; that sickness is inevitable in all constitutional revolutions; that the body must pass through pain to ease; that the prescriber is not an empiric who proceeds by vulgar experience, but one who grounds his practice on the sure rules of art, which cannot possibly fail. . . .

Besides this, the retrograde order of society has something flattering to the dispositions of mankind. The life of adventurers, gamesters, gypsies, beggars, and robbers is not unpleasant. It requires restraint to keep men from falling into that habit. The shifting tides of fear and hope, the flight and pursuit, the peril and escape, the alternate famine and feast of the savage and the thief, after a time render all course of slow, steady, progressive, unvaried occupation, and the prospect only of a limited mediocrity at the end of long labor, to the last degree tame, languid, and

insipid. Those who have been once intoxicated with power, and have derived any kind of emolument from it, even though but for one year, never can willingly abandon it. They may be distressed in the midst of all their power; but they will never look to anything but power for their relief. . . .

The more active and stirring part of the lower orders having got government and the distribution of plunder into their hands, they will use its resources in each municipality to form a body of adherents. These rulers and their adherents will be strong enough to overpower the discontents of those who have not been able to assert their share of the spoil. The unfortunate adventurers in the cheating lottery of plunder will probably be the least sagacious or the most inactive and irresolute of the gang. If, on disappointment, they should dare to stir, they will soon be suppressed as rebels and mutineers by their brother rebels. . . .

From the forced repentance of invalid mutineers and disbanded thieves you can hope for no resource. Government itself, which ought to constrain the more bold and dexterous of these robbers, is their accomplice. Its arms, its treasures, its all are in their hands. . . .

Till the justice of the world is awakened, such as these will go on, without admonition, and without provocation, to every extremity. . . .

### *Their Scheme of Education*

Besides the sure tokens which are given by the spirit of their particular arrangements, there are some characteristic lineaments in the general policy of your tumultuous despotism which, in my opinion, indicate, beyond a doubt, that no revolution whatsoever *in their disposition* is to be expected: I mean their scheme of educating the rising generation, the principles which they intend to instill and the sympathies which they wish to form in the mind at the season in which it is the most susceptible. Instead of forming their young minds to that docility, to that modesty, which are the grace and charm of youth, to an admiration of famous examples, and to an averseness to anything which approaches to pride, petulance, and self-conceit (distempers to which that time of life is of itself sufficiently liable), they artificially foment these evil dispositions, and even form them into springs of action. Nothing ought to be more weighed than the nature of books recommended by public authority. So recommended, they soon form the character of the age. Uncertain indeed is the efficacy, limited indeed is the extent, of a virtuous institution. But if edu-

cation takes in *vice* as any part of its system, there is no doubt but that it will operate with abundant energy, and to an extent indefinite. The magistrate who in favor of freedom thinks himself obliged to suffer all sorts of publications is under a stricter duty than any other well to consider what sort of writers he shall authorize, and shall recommend by the strongest of all sanctions; that is, by public honors and rewards. He ought to be cautious how he recommends authors of mixed or ambiguous morality. He ought to be fearful of putting into the hands of youth writers indulgent to the peculiarities of their own complexion, lest they should teach the humors of the professor rather than the principles of the science. He ought, above all, to be cautious in recommending any writer who has carried marks of a deranged understanding: for where there is no sound reason, there can be no real virtue; and madness is ever vicious and malignant.

The Assembly proceeds on maxims the very reverse of these. The Assembly recommends to its youth a study of the bold experimenters in morality. Everybody knows that there is a great dispute amongst their leaders which of them is the best resemblance of Rousseau. In truth, they all resemble him. His blood they transfuse into their minds and into their manners. Him they study; him they meditate; him they turn over in all the time they can spare from the laborious mischief of the day or the debauches of the night. Rousseau is their canon of holy writ; in his life he is their canon of Polycletus; he is their standard figure of perfection. To this man and this writer, as a pattern to authors and to Frenchmen, the foundries of Paris are now running for statues, with the kettles of their poor and the bells of their churches. If an author had written like a great genius on geometry, though his practical and speculative morals were vicious in the extreme, it might appear that in voting the statue they honored only the geometrician. But Rousseau is a moralist or he is nothing. It is impossible, therefore, putting the circumstances together, to mistake their design in choosing the author with whom they have begun to recommend a course of studies.

Their great problem is to find a substitute for all the principles which hitherto have been employed to regulate the human will and action. They find dispositions in the mind of such force and quality as may fit men, far better than the old morality, for the purposes of such a state as theirs, and may go much further in supporting their power and destroying their enemies. They have therefore chosen a selfish, flattering, seductive, ostentatious vice, in the place of plain duty. True humility, the basis of the Christian

system, is the low, but deep and firm foundation of all real virtue. But this, as very painful in the practice, and little imposing in the appearance, they have totally discarded. Their object is to merge all natural and all social sentiment in inordinate vanity. In a small degree, and conversant in little things, vanity is of little moment. When full-grown, it is the worst of vices, and the occasional mimic of them all. It makes the whole man false. It leaves nothing sincere or trustworthy about him. His best qualities are poisoned and perverted by it, and operate exactly as the worst. When your lords had many writers as immoral as the object of their statue (such as Voltaire and others), they chose Rousseau, because in him that peculiar vice which they wished to erect into ruling virtue was by far the most conspicuous.

*"The Insane Socrates of the National Assembly"*

We have had the great professor and founder of the *philosophy of vanity* in England. As I had good opportunities of knowing his proceedings almost from day to day, he left no doubt on my mind that he entertained no principle, either to influence his heart or to guide his understanding, but *vanity*. With this vice he was possessed to a degree little short of madness. It is from the same deranged, eccentric vanity that this, the insane Socrates of the National Assembly, was impelled to publish a mad confession of his mad faults, and to attempt a new sort of glory from bringing hardily to light the obscure and vulgar vices which we know may sometimes be blended with eminent talents. He has not observed on the nature of vanity who does not know that it is omnivorous; that it has no choice in its food; that it is fond to talk even of its own faults and vices, as what will excite surprise and draw attention, and what will pass at worst for openness and candor.

It was this abuse and perversion, which vanity makes even of hypocrisy, which has driven Rousseau to record a life not so much as checkered or spotted here and there with virtues, or even distinguished by a single good action. It is such a life he chooses to offer to the attention of mankind. It is such a life that, with a wild defiance, he flings in the face of his Creator, whom he acknowledges only to brave. Your Assembly, knowing how much more powerful example is found than precept, has chosen this man (by his own account without a single virtue) for a model. To him they erect their first statue. From him they commence their series of honors and distinctions.

It is that new-invented virtue which your masters canonize that

led their moral hero constantly to exhaust the stores of his powerful rhetoric in the expression of universal benevolence, whilst his heart was incapable of harboring one spark of common parental affection. Benevolence to the whole species, and want of feeling for every individual with whom the professors come in contact, form the character of the new philosophy. Setting up for an unsocial independence, this their hero of vanity refuses the just price of common labor, as well as the tribute which opulence owes to genius, and which, when paid, honors the giver and the receiver; and then he pleads his beggary as an excuse for his crimes. He melts with tenderness for those only who touch him by the remotest relation, and then, without one natural pang, casts away, as a sort of offal and excrement, the spawn of his disgusting amours, and sends his children to the hospital of foundlings. The bear loves, licks, and forms her young. but bears are not philosophers. Vanity, however, finds its account in reversing the train of our natural feelings. Thousands admire the sentimental writer; the affectionate father is hardly known in his parish.

Under this philosophic instructor in *the ethics of vanity*, they have attempted in France a regeneration of the moral constitution of man. Statesmen like your present rulers exist by everything which is spurious, fictitious, and false; by everything which takes the man from his house and sets him on a stage; which makes him up an artificial creature, with painted, theatric sentiments, fit to be seen by the glare of candlelight, and formed to be contemplated at a due distance. Vanity is too apt to prevail in all of us, and in all countries. To the improvement of Frenchmen, it seems not absolutely necessary that it should be taught upon system. But it is plain that the present rebellion was its legitimate offspring, and it is piously fed by that rebellion with a daily dole.

If the system of institution recommended by the Assembly is false and theatric, it is because their system of government is of the same character. To that, and to that alone, it is strictly conformable. To understand either, we must connect the morals with the politics of the legislators. Your practical philosophers, systematic in everything, have wisely begun at the source. As the relation between parents and children is the first among the elements of vulgar, natural morality, they erect statues to a wild, ferocious, low-minded, hard-hearted father, of fine general feelings—a lover of his kind, but a hater of his kindred. Your masters reject the duties of this vulgar relation, as contrary to liberty, as not founded in the social compact, and not binding according to the rights of men; because the relation is not, of course, the

result of *free election* — never so on the side of the children, not always on the part of the parents.

. . . Through this same instructor, by whom they corrupt the morals, they corrupt the taste. Taste and elegance, though they are reckoned only among the smaller and secondary morals, yet are of no mean importance in the regulation of life. A moral taste is not of force to turn vice into virtue; but it recommends virtue with something like the blandishments of pleasure, and it infinitely abates the evils of vice. Rousseau, a writer of great force and vivacity, is totally destitute of taste in any sense of the word. Your masters, who are his scholars, conceive that all refinement has an aristocratic character. The last age had exhausted all its powers in giving a grace and nobleness to our natural appetites, and in raising them into a higher class and order than seemed justly to belong to them. Through Rousseau, your masters are resolved to destroy these aristocratic prejudices. The passion called love has so general and powerful an influence, it makes so much of the entertainment, and indeed so much the occupation, of that part of life which decides the character forever, that the mode and the principles on which it engages the sympathy and strikes the imagination become of the utmost importance to the morals and manners of every society. Your rulers were well aware of this; and in their system of changing your manners to accommodate them to their politics, they found nothing so convenient as Rousseau. Through him they teach men to love after the fashion of philosophers: that is, they teach to men, to Frenchmen, a love without gallantry — a love without anything of that fine flower of youthfulness and gentility which places it, if not among the virtues, among the ornaments of life. Instead of this passion, naturally allied to grace and manners, they infuse into their youth an unfashioned, indelicate, sour, gloomy, ferocious medley of pedantry and lewdness — of metaphysical speculations blended with the coarsest sensuality. . . .

I am certain that the writings of Rousseau lead directly to this kind of shameful evil. I have often wondered how he comes to be so much more admired and followed on the Continent than he is here. Perhaps a secret charm in the language may have its share in this extraordinary difference. We certainly perceive, and to a degree we feel, in this writer a style glowing, animated, enthusiastic, at the same time that we find it lax, diffuse, and not in the best taste of composition; all the members of the piece being pretty equally labored and expanded, without any due selection or subordination of parts. He is generally too much on the stretch,

and his manner has little variety. We cannot rest upon any of his works, though they contain observations which occasionally discover a considerable insight into human nature. But his doctrines, on the whole, are so inapplicable to real life and manners that we never dream of drawing from them any rule for laws or conduct, or for fortifying or illustrating anything by a reference to his opinions. . . .

Perhaps bold speculations are more acceptable because more new to you than to us, who have been long since satiated with them. We continue, as in the two last ages, to read, more generally than I believe is now done on the Continent, the authors of sound antiquity. These occupy our minds; they give us another taste and turn; and will not suffer us to be more than transiently amused with paradoxical morality. It is not that I consider this writer as wholly destitute of just notions. Amongst his irregularities, it must be reckoned that he is sometimes moral, and moral in a very sublime strain. But the *general spirit and tendency* of his works is mischievous — and the more mischievous for this mixture; for perfect depravity of sentiment is not reconcilable with eloquence; and the mind (though corruptible, not complexionally vicious) would reject and throw off with disgust a lesson of pure and unmixed evil. These writers make even virtue a pander to vice.

However, I less consider the author than the system of the Assembly in perverting morality through his means. This I confess makes me nearly despair of any attempt upon the minds of their followers, through reason, honor, or conscience. The great object of your tyrants is to destroy the gentlemen of France; and for that purpose they destroy, to the best of their power, all the effect of those relations which may render considerable men powerful or even safe. To destroy that order, they vitiate the whole community. . . . They propagate principles by which every servant may think it, if not his duty, at least his privilege, to betray his master. By these principles, every considerable father of a family loses the sanctuary of his house. . . . They destroy all the tranquillity and security of domestic life: turning the asylum of the house into a gloomy prison, where the father of the family must drag out a miserable existence, endangered in proportion to the apparent means of his safety; where he is worse than solitary in a crowd of domestics, and more apprehensive from his servants and inmates than from the hired, bloodthirsty mob without doors who are ready to pull him to the *lanterne*.

It is thus, and for the same end, that they endeavor to destroy



that tribunal of conscience which exists independently of edicts and decrees. Your despots govern by terror. They know that he who fears God fears nothing else; and therefore they eradicate from the mind, through their Voltaire, their Helvétius, and the rest of that infamous gang, that only sort of fear which generates true courage. . . .

#### 4. "The Idea of a People"

¶ Burke's literary attack on the French Revolution came at a moment of low ebb in the fortunes of the Whig party. A general election in late 1790 had strengthened Pitt and his Tory supporters; and as a result many prominent Whigs increased their efforts to win support from political quarters wherein there was a strong desire for parliamentary reform, enlargement of the franchise, and British approval of the course of events in France. In the House of Commons, on April 15, 1791, Charles James Fox — the party chief and Burke's leader — described the new French constitution as "the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any time or country."

Burke was horrified to hear political leaders who had long prided themselves on representing the doctrines and traditions of the Whig Revolution of 1688 praise events that seemed to negate that grand inheritance. On May 6 he used the occasion of debate on a new bill for the government of French Canada to reply to Fox. He was repeatedly interrupted by members of his own party, and Fox himself attacked Burke by flinging at him his own past utterances, trying as it were to refute Burke by words from the latter's own mouth. Burke was so enraged at these unfair tactics that he broke his friendship with Fox, openly on the floor of the House. After party leaders had tried without success to heal the breach, the Whigs as a body voted to follow Fox. On May 12 the *Morning Chronicle* (regarded as Fox's organ) announced that "the great and firm body of the Whigs of England, true to their principles, have decided on the dispute between Mr. Fox and Mr. Burke; and the former is declared to have maintained the pure doctrines by which they are bound together and upon which they have invariably acted." In effect, Burke was read out of the party in which he had been, for more than twenty years, the mentor and philosophic guide.

This development provoked him to write and publish (in the summer of 1791) *An Appeal from the New to the Old Whigs*.<sup>13</sup>

<sup>13</sup> Works, IV, 61-215.

In it he restated with force, cogency, and thorough documentation that interpretation of the Revolution of 1688 which he had set forth in the *Reflections*.<sup>14</sup> He set his face against certain "new Whigs" who held "that the sovereignty, whether exercised by one or many, did not only originate *from* the people . . . but that in the people the same sovereignty constantly and unalienably resides; that the people may lawfully depose kings, not only for misconduct, but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government, at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct . . . and that, if a contract *de facto* is made with them in one age, allowing that it binds at all, only binds those who are immediately concerned in it, but does not pass to posterity." These doctrines concerning the *people*, Burke believed, tended "to the utter subversion, not only of all governments, in all modes, and to all stable securities to rational freedom, but to all the rules and principles of morality itself." In answer to the French revolutionaries and to their friends and admirers in England, Burke defined his "idea of a people." ¶

. . . The factions now so busy amongst us, in order to divest men of all love for their country, and to remove from their minds all duty with regard to the state, endeavor to propagate an opinion that the *people*, in forming their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which these gentlemen retreat whenever they are pushed by the battery of laws and usages and positive conventions. Indeed, it is such, and of so great force, that all they have done in defending their outworks is so much time and labor thrown away. Discuss any of their schemes, their answer is: it is the act of the *people*, and that is sufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic today, and tomorrow back again from a republic to a monarchy; and so backward and forward as often as they like. They are masters of the commonwealth because in substance they are themselves the commonwealth. The French Revolution, say they, was the act of the majority of the people; and if the majority of any other people, the people of England, for instance, wish to make the same change, they have the same right.

<sup>14</sup> See above, pp. 288-95.

Just the same, undoubtedly That is, none at all Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract. And the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things The people are not to be taught to think lightly of their engagements to their governors; else they teach governors to think lightly of their engagements towards them. In that kind of game, in the end, the people are sure to be losers. To flatter them into a contempt of faith, truth, and justice is to ruin them; for in these virtues consists their whole safety. To flatter any man, or any part of mankind, in any description, by asserting that in engagements he or they are free, whilst any other human creature is bound, is ultimately to vest the rule of morality in the pleasure of those who ought to be rigidly submitted to it—to subject the sovereign reason of the world to the caprices of weak and giddy men.

### *The Vulgar Taste for Arbitrary Power*

But, as no one of us men can dispense with public or private faith, or with any other tie of moral obligation, so neither can any number of us The number engaged in crimes, instead of turning them into laudable acts, only augments the quantity and intensity of the guilt. I am well aware that men love to hear of their power, but have an extreme disrelish to be told of their duty. This is, of course, because every duty is a limitation of some power. Indeed, arbitrary power is so much to the depraved taste of the vulgar, of the vulgar of every description, that almost all the dissensions which lacerate the commonwealth are not concerning the manner in which it is to be exercised, but concerning the hands in which it is to be placed. Somewhere they are resolved to have it Whether they desire it to be vested in the many or the few depends with most men upon the chance which they imagine they themselves may have of partaking in the exercise of that arbitrary sway, in the one mode or in the other.

It is not necessary to teach men to thirst after power. But it is very expedient that by moral instruction they should be taught, and by their civil constitutions they should be compelled, to put many restrictions upon the immoderate exercise of it, and the in-

ordinate desire. The best method of obtaining these two great points forms the important, but at the same time the difficult problem to the true statesman. He thinks of the place in which political power is to be lodged with no other attention than as it may render the more or the less practicable its salutary restraint and its prudent direction. For this reason, no legislator, at any period of the world, has willingly placed the seat of active power in the hands of the multitude; because there it admits of no control, no regulation, no steady direction whatsoever. The people are the natural control on authority; but to exercise and to control together is contradictory and impossible.

As the exorbitant exercise of power cannot, under popular sway, be effectually restrained, the other great object of political arrangement, the means of abating an excessive desire of it, is in such a state still worse provided for. The democratic commonwealth is the foodful nurse of ambition. Under the other forms it meets with many restraints. Whenever, in states which have had a democratic basis, the legislators have endeavored to put restraints upon ambition, their methods were as violent as in the end they were ineffectual — as violent, indeed, as any the most jealous despotism could invent. . . .

I cannot too often recommend it to the serious consideration of all men who think civil society to be within the province of moral jurisdiction that, if we owe to it any duty, it is not subject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now, though civil society might be at first a voluntary act (which in many cases it undoubtedly was), its continuance is under a permanent standing covenant, coexisting with the society; and it attaches upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits, and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole system of duties. Much the strongest moral obligations are such as were never the results of our option. I allow that if no supreme ruler exists, wise to form, and potent to enforce, the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power. On that hypothesis, let any set of men be strong enough to set their duties at defiance, and they cease to be duties any longer. . . .

Taking it for granted that I do not write to the disciples of

the Parisian philosophy, I may assume that the awful Author of our being is the Author of our place in the order of existence; and that, having disposed and marshaled us by a divine tactic, not according to our will, but according to His, He has in and by that disposition virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of persons amongst mankind depends upon those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary; but the duties are all compulsive. When we marry, the choice is voluntary, but the duties are not matter of choice: they are dictated by the nature of the situation. Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Parents may not be consenting to their moral relation; but, consenting or not, they are bound to a long train of burdensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation; but their relation, without their actual consent, binds them to its duties; or rather it implies their consent, because the presumed consent of every rational creature is in unison with the predisposed order of things. Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation. If the social ties and ligaments, spun out of those physical relations which are the elements of the commonwealth, in most cases begin, and always continue, independently of our will, so, without any stipulation on our own part, are we bound by that relation called our country, which comprehends (as it has been well said) "all the charities of all." . . .

I admit, indeed, that in morals, as in all things else, difficulties will sometimes occur. Duties will sometimes cross one another. Then questions will arise which of them is to be placed in subordination? which of them may be entirely superseded? . . . Duties, at their extreme bounds, are drawn very fine, so as to be-

come almost evanescent. In that state some shade of doubt will always rest on these questions, when they are pursued with great subtlety. . . .

Amongst these nice, and therefore dangerous, points of casuistry may be reckoned the question so much agitated in the present hour: whether, after the people have discharged themselves of their original power by a habitual delegation, no occasion can possibly occur which may justify the resumption of it? This question, in this latitude, is very hard to affirm or deny; but I am satisfied that no occasion can justify such a resumption which would not equally authorize a dispensation with any other moral duty, perhaps with all of them together. However, if in general it be not easy to determine concerning the lawfulness of such devious proceedings, which must be ever on the edge of crimes, it is far from difficult to foresee the perilous consequences of the resuscitation of such a power in the people. The practical consequences of any political tenet go a great way in deciding upon its value. Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil is politically false; that which is productive of good, politically true.

Believing it, therefore, a question at least arduous in the theory, and in the practice very critical, it would become us to ascertain as well as we can what form it is that our incantations are about to call up from darkness and the sleep of ages. When the supreme authority of the people is in the question, before we attempt to extend or to confine it, we ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean when we say the PEOPLE.

In a state of *rude* nature there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial, and made, like all other legal fictions, by common agreement. What the particular nature of that agreement was is collected from the form into which the particular society has been cast. Any other is not *their* covenant. When men, therefore, break up the original compact or agreement which gives its corporate form and capacity to a state, they are no longer a people; they have no longer a corporate existence; they have no longer a legal coactive force to bind within, nor a claim to be recognized abroad. They are a number of vague, loose individuals, and nothing more. With them all is to begin again. . . .

### *Majority Rule Is Purely Conventional*

We hear much, from men who have not acquired their hardness of assertion from the profundity of their thinking, about the omnipotence of a *majority*, in such a dissolution of an ancient society as has taken place in France. But amongst men so disbanded there can be no such thing as majority or minority, or power in any one person to bind another. The power of acting by a majority, which the gentlemen theorists seem to assume so readily, after they have violated the contract out of which it has arisen (if at all it existed), must be grounded on two assumptions: first, that of an incorporation produced by unanimity; and secondly, a unanimous agreement that the act of a mere majority (say of one) shall pass with them and with others as the act of the whole.

We are so little affected by things which are habitual that we consider this idea of the decision of a *majority* as if it were a law of our original nature. But such constructive whole, residing in a part only, is one of the most violent fictions of positive law that ever has been or can be made on the principles of artificial incorporation. Out of civil society nature knows nothing of it, nor are men, even when arranged according to civil order, otherwise than by very long training, brought at all to submit to it. The mind is brought far more easily to acquiesce in the proceedings of one man, or a few, who act under a general procurator for the state, than in the vote of a victorious majority in councils in which every man has his share in the deliberation. For there the beaten party are exasperated and soured by the previous contention, and mortified by the conclusive defeat. This mode of decision, where wills may be so nearly equal, where, according to circumstances, the smaller number may be the stronger force, and where apparent reason may be all upon one side, and on the other little else than impetuous appetite — all this must be the result of a very particular and special convention, confirmed afterwards by long habits of obedience, by a sort of discipline in society, and by a strong hand, vested with stationary, permanent power to enforce this sort of constructive general will . . .

If men dissolve their ancient incorporation in order to regenerate their community, in that state of things each man has a right, if he pleases, to remain an individual. Any number of individuals who can agree upon it have an undoubted right to form themselves into a state apart and wholly independent. If any

of these is forced into the fellowship of another, this is conquest and not compact. On every principle which supposes society to be in virtue of a free covenant, this compulsive incorporation must be null and void. . . .

As in the abstract it is perfectly clear that, out of a state of civil society, majority and minority are relations which can have no existence, and that, in civil society, its own specific conventions in each corporation determine what it is that constitutes the people, so as to make their act the signification of the general will — to come to particulars, it is equally clear that neither in France nor in England has the original or any subsequent compact of the state, expressed or implied, constituted a *majority of men, told by the head*, to be the acting people of their several communities. And I see as little of policy or utility as there is of right in laying down a principle that a majority of men told by the head are to be considered as the people, and that as such their will is to be law. What policy can there be found in arrangements made in defiance of every political principle? To enable men to act with the weight and character of a people, and to answer the ends for which they are incorporated into that capacity, we must suppose them (by means immediate or consequential) to be in that state of habitual social discipline in which the wiser, the more expert, and the more opulent conduct, and by conducting enlighten and protect, the weaker, the less knowing, and the less provided with the goods of fortune. When the multitude are not under this discipline, they can scarcely be said to be in civil society. Give once a certain constitution of things which produces a variety of conditions and circumstances in a state, and there is in nature and reason a principle which, for their own benefit, postpones, not the interest, but the judgment, of those who are *numero plures*, to those who are *virtute et honore majores*. . . .

### *Natural Aristocracy*

A true natural aristocracy is not a separate interest in the state, or separable from it. It is an essential integrant part of any large body rightly constituted. It is formed out of a class of legitimate presumptions, which, taken as generalities, must be admitted for actual truths. To be bred in a place of estimation; to see nothing low and sordid from one's infancy; to be taught to respect one's self, to be habituated to the censorial inspection of the public eye; to look early to public opinion; to stand upon such elevated ground as to be enabled to take a large view of the



wide-spread and infinitely diversified combinations of men and affairs in a large society; to have leisure to read, to reflect, to converse; to be enabled to draw the court and attention of the wise and learned, wherever they are to be found; to be habituated in armies to command and to obey; to be taught to despise danger in the pursuit of honor and duty; to be formed to the greatest degree of vigilance, foresight, and circumspection, in a state of things in which no fault is committed with impunity and the slightest mistakes draw on the most ruinous consequences; to be led to a guarded and regulated conduct, from a sense that you are considered as an instructor of your fellow-citizens in their highest concerns, and that you act as a reconciler between God and man; to be employed as an administrator of law and justice, and to be thereby amongst the first benefactors to mankind; to be a professor of high science, or of liberal and ingenuous art; to be amongst rich traders, who from their success are presumed to have sharp and vigorous understandings, and to possess the virtues of diligence, order, constancy, and regularity, and to have cultivated a habitual regard to commutative justice: these are the circumstances of men that form what I should call a *natural* aristocracy, without which there is no nation.

The state of civil society which necessarily generates this aristocracy is a state of nature—and much more truly so than a savage and incoherent mode of life. For man is by nature reasonable; and he is never perfectly in his natural state but when he is placed where reason may be best cultivated and most predominates. Art is man's nature. We are as much, at least, in a state of nature in formed manhood as in immature and helpless infancy. Men qualified in the manner I have just described form in nature, as she operates in the common modification of society, the leading, guiding, and governing part. . . .

When great multitudes act together under that discipline of nature, I recognize the PEOPLE. I acknowledge something that perhaps equals, and ought always to guide, the sovereignty of convention. In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony; when you break up this beautiful order, this array of truth and nature, as well as of habit and prejudice; when you separate the common sort of men from their proper chieftains, so as to form them into an adverse army, I no longer know that venerable object called the people in such a disbanded race of deserters and vagabonds. For a while they

may be terrible, indeed—but in such a manner as wild beasts are terrible. The mind owes to them no sort of submission . . .

To apply this to our present subject. When the several orders, in their several bailliages,<sup>15</sup> had met in the year 1789 (such of them, I mean, as had met peaceably and constitutionally) to choose and to instruct their representatives, so organized and so acting (because they were organized and were acting according to the conventions which made them a people), they were the *people* of France. They had a legal and a natural capacity to be considered as that people. But observe, whilst they were in this state—that is, whilst they were a people—in no one of their instructions did they charge or even hint at any of those things which have drawn upon the usurping Assembly and their adherents the detestation of the rational and thinking part of mankind. . . . Their instructions purported the direct contrary to all those famous proceedings which are defended as the acts of the people. Had such proceedings been expected, the great probability is that the people would then have risen, as to a man, to prevent them. The whole organization of the Assembly was altered, the whole frame of the kingdom was changed, before these things could be done. . . .

After the weighty and respectable part of the people had been murdered, or driven by the menaces of murder from their houses, or were dispersed in exile into every country in Europe; after the soldiery had been debauched from their officers; after property had lost its weight and consideration, along with its security; after voluntary clubs and associations of factious and unprincipled men were substituted in the place of all the legal corporations of the kingdom arbitrarily dissolved; after freedom had been banished from those popular meetings whose sole recommendation is freedom; after it had come to that pass that no dissent dared to appear in any of them, but at the certain price of life; after even dissent had been anticipated, and assassination became as quick as suspicion, such pretended ratification by addresses could be no act of what any lover of the people would choose to call by their name. It is that voice which every successful usurpation, as well as this before us, may easily procure, even without making (as these tyrants have made) donatives from the spoil of one part of the citizens to corrupt the other.

The pretended *rights of man*, which have made this havoc,

<sup>1</sup> French judicial districts, but employed in 1789 as electoral constituencies

cannot be the rights of the people. For to be a people, and to have these rights, are things incompatible. The one supposes the presence, the other the absence, of a state of civil society. The very foundation of the French commonwealth is false and self-destructive; nor can its principles be adopted in any country without the certainty of bringing it to the very same condition in which France is found. . . .



## VIII

### The War with Jacobin France

#### *1. The French Threat to the European System*

¶ IN June 1791 Louis XVI attempted to escape from his kingdom, in which he had long ceased to exercise any real royal authority. He nearly succeeded, but at Varennes, in the Argonne, he was arrested and brought back to Paris, where the most radical factions now openly advocated the overthrow of the monarchy. But the more moderate elements, eager to prevent the Revolution from passing out of their own control, opposed the establishment of a full-fledged republic; and in September the National Assembly approved the Constitution of 1791. The helpless King accepted this constitution establishing a "royal democracy," and at the end of the month the National Assembly gave place to a new Legislative Assembly, elected for two years. Meanwhile, French *émigrés* had been soliciting support for an invasion of their country to free the King; and Marie Antoinette had appealed for assistance to her brother, Emperor Leopold. He in turn had undertaken to sound out the attitudes of the various European cabinets.

Thus it happened that, shortly after Burke was read out of the Whig party, the English government was confronted with the necessity of taking a definite position toward revolutionary France. Pitt, not only because his primary interest was in domestic reforms but also because he believed that France was too weak to engage in war, made it clear that England intended to remain neutral. Pitt seems to have regarded the increasing enthusiasm that English radicals were manifesting for the French Revolution as a purely domestic matter. Some of the lesser rulers on the Continent took a more anxious view of the situation, but only Frederick William II of Prussia gave Leopold the promise of effective co-operation. On August 27, 1791 these rulers signed the Declaration of Pillnitz, in which they promised to go to the assistance of Louis XVI provided other powers joined them in the undertaking. This declaration, despite its escape clause, infuriated the

French revolutionists In November, the Legislative Assembly passed a decree ordering all *émigrés* to return to France by January 1, 1792 Although the King vetoed the measure, he did accede to the demands of the war party in the Assembly—led by Brissot de Warville and the *philosophe* Condorcet—to present an ultimatum to the Elector of Treves (a vassal of the Emperor) demanding that he clear his domains of French refugees The motives of the King and of the revolutionists were, however, dissimilar Whereas Louis hoped the ultimatum would lead to Austrian intervention and his own rescue, the Brissotins wanted to precipitate a war that would extend the Revolution beyond France and strengthen their own power at home.

In the previous January, Burke, who so well understood the inherently expansive character of the Revolution, had expressed himself in favor of a general European intervention to counteract it<sup>1</sup> Now, in December 1791, he wrote his *Thoughts on French Affairs*,<sup>2</sup> a searching analysis of the structure of European international politics. ¶

. . . There have been many internal revolutions in the government of countries, both as to persons and forms, in which the neighboring states have had little or no concern Whatever the government might be with respect to those persons and those forms, the stationary interests of the nation concerned have most commonly influenced the new governments in the same manner in which they influenced the old; and the revolution, turning on matter of local grievance or of local accommodation, did not extend beyond its territory.

The present Revolution in France seems to me to be quite of another character and description, and to bear little resemblance or analogy to any of those which have been brought about in Europe upon principles merely political *It is a revolution of doctrine and theoretic dogma* It has a much greater resemblance to those changes which have been made upon religious grounds, in which a spirit of proselytism makes an essential part.

### *The French Revolution and the Reformation*

The last revolution of doctrine and theory which has happened in Europe is the Reformation. It is not for my purpose to take any notice here of the merits of that revolution, but to state one only of its effects.

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<sup>1</sup> *Letter to a Member*, Works, IV, 17-20.

<sup>2</sup> Works, IV, 315-77.

That effect was to *introduce other interests into all countries than those which arose from their locality and natural circumstances*. The principle of the Reformation was such as, by its essence, could not be local or confined to the country in which it had its origin. For instance, the doctrine of "Justification by Faith or by Works," which was the original basis of the Reformation, could not have one of its alternatives true as to Germany and false as to every other country. Neither are questions of theoretic truth and falsehood governed by circumstances any more than by places. On that occasion, therefore, the spirit of proselytism expanded itself with great elasticity upon all sides: and great divisions were everywhere the result.

These divisions, however in appearance merely dogmatic, soon became mixed with the political; and their effects were rendered much more intense from this combination. Europe was for a long time divided into two great factions, under the name of Catholic and Protestant, which not only often alienated state from state, but also divided almost every state within itself. The warm parties in each state were more affectionately attached to those of their own doctrinal interest in some other country than to their fellow-citizens or to their natural government, when they or either of them happened to be of a different persuasion. These factions, wherever they prevailed, if they did not absolutely destroy, at least weakened and distracted the locality of patriotism. The public affections came to have other motives and other ties.

It would be to repeat the history of the two last centuries to exemplify the effects of this revolution.

Although the principles to which it gave rise did not operate with a perfect regularity and constancy, they never wholly ceased to operate. Few wars were made, and few treaties were entered into, in which they did not come in for some part. They gave a color, a character, and direction to all the politics of Europe.

These principles of internal as well as external division and coalition are but just now extinguished. But they who will examine into the true character and genius of some late events must be satisfied that other sources of faction, combining parties among the inhabitants of different countries into one connection, are opened, and that from these sources are likely to arise effects full as important as those which had formerly arisen from the jarring interests of the religious sects. The intention of the several actors in the change in France is not a matter of doubt. It is very openly professed. . . .

## *The New Political Dogma*

The political dogma which, upon the new French system, is to unite the factions of different nations is this "That the majority, told by the head, of the taxable people in every country is the perpetual, natural, unceasing, indefeasible sovereign, that this majority is perfectly master of the form as well as the administration of the state, and that the magistrates, under whatever names they are called, are only functionaries to obey the orders (general as laws or particular as decrees) which that majority may make, that this is the only natural government, that all others are tyranny and usurpation "

In order to reduce this dogma into practice, the republicans in France and their associates in other countries, make it always their business, and often their public profession, to destroy all traces of ancient establishments, and to form a new commonwealth in each country, upon the basis of the French *Rights of Men*. On the principle of these rights, they mean to institute in every country, and as it were the germ of the whole, parochial governments, for the purpose of what they call equal representation. From them is to grow by some media, a general council and representative of all the parochial governments. In that representative is to be vested the whole national power—totally abolishing hereditary name and office, leveling all conditions of men (except where money *must* make a difference), breaking all connection between territory and dignity, and abolishing every species of nobility, gentry, and church establishments: all their priests and all their magistrates being only creatures of election and pensioners at will.

Knowing how opposite a permanent landed interest is to that scheme, they have resolved, and it is the great drift of all their regulations, to reduce that description of men to a mere peasantry for the sustenance of the towns, and to place the true effective government in cities, among the tradesmen, bankers, and voluntary clubs of bold, presuming young persons advocates, attorneys, notaries, managers of newspapers, and those cabals of literary men called academies . . .

This system has very many partisans in every country in Europe, but particularly in England, where they are already formed into a body, comprehending most of the Dissenters of the three leading denominations. To these are readily aggregated all who are Dissenters in character, temper, and disposition, though not belonging to any of their congregations: that is, all

the restless people who resemble them, of all ranks and all parties — Whigs, and even Tories; the whole race of half-bred speculators; all the atheists, deists, and Socinians; all those who hate the clergy and envy the nobility; a good many among the moneyed people; the East Indians almost to a man, who cannot bear to find that their present importance does not bear a proportion to their wealth. . . .

Formerly few, except the ambitious great or the desperate and indigent, were to be feared as instruments in revolutions. What has happened in France teaches us, with many other things, that there are more causes than have commonly been taken into our consideration by which government may be subverted. The moneyed men, merchants, principal tradesmen, and men of letters (hitherto generally thought the peaceable and even timid part of society) are the chief actors in the French Revolution. But the fact is that, as money increases and circulates, and as the circulation of news in politics and letters becomes more and more diffused, the persons who diffuse this money and this intelligence become more and more important. This was not long undiscovered. Views of ambition were in France, for the first time, presented to these classes of men: objects in the state, in the army, in the system of civil offices of every kind. Their eyes were dazzled with this new prospect. They were, as it were, electrified, and made to lose the natural spirit of their situation. A bribe, great without example in the history of the world, was held out to them — the whole government of a very large kingdom. . . .

What direction the French spirit of proselytism is likely to take, and in what order it is likely to prevail in the several parts of Europe, it is not easy to determine. The seeds are sown almost everywhere, chiefly by newspaper circulations, infinitely more efficacious and extensive than ever they were. And they are a more important instrument than generally is imagined. They are a part of the reading of all; they are the whole of the reading of the far greater number. There are thirty of them in Paris alone. The language diffuses them more widely than the English, though the English too are much read. The writers of these papers, indeed, for the greater part, are either unknown or in contempt, but they are like a battery, in which the stroke of any one ball produces no great effect, but the amount of continual repetition is decisive. Let us only suffer any person to tell us his story, morning and evening, but for one twelvemonth, and he will become our master.

All those countries in which several states are comprehended



under some general geographical description, and loosely united by some federal constitution — countries of which the members are small, and greatly diversified in their forms of government, and in the titles by which they are held — these countries, as it might be well expected, are the principal objects of their hopes and machinations. . . .

### *The Revolution and the Germanic and Swiss States*

As to Germany (in which, from their relation to the Emperor, I comprehend the Belgic Provinces<sup>3</sup>), it appears to me to be, from several circumstances, internal and external, in a very critical situation; and the laws and liberties of the Empire are by no means secure from the contagion of the French doctrines and the effect of French intrigues, or from the use which two of the greater German powers<sup>4</sup> may make of a general derangement to the general detriment. . . .

The Germanic body is a vast mass of heterogeneous states, held together by that heterogeneous body of old principles which formed the public law positive and doctrinal. The modern laws and liberties, which the new power in France proposes to introduce into Germany, and to support with all its force of intrigue and of arms, is of a very different nature, utterly irreconcilable with the first, and indeed fundamentally the reverse of it. I mean the *rights and liberties of the man*, the *droit de l'homme*. That this doctrine has made an amazing progress in Germany there cannot be a shadow of doubt. They are infected by it along the whole course of the Rhine, the Meuse, the Moselle, and in the greater part of Suabia and Franconia. It is particularly prevalent amongst all the lower people, churchmen and laity, in the dominions of the Ecclesiastical Electors.<sup>5</sup> It is not easy to find or to conceive governments more mild and indulgent than these church sovereignties; but good government is as nothing when the rights of man take possession of the mind. Indeed, the loose rein held over the people in these provinces must be considered as one cause of the facility with which they lend themselves to any schemes of innovation, by inducing them to think lightly of their governments, and to judge of grievances, not by feeling, but by imagination.

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<sup>3</sup> Since 1714 Belgium had been held by the Habsburgs and was commonly called the Austrian Netherlands. In 1791 it was already a scene of revolutionary disorders.

<sup>4</sup> Austria and Prussia.

<sup>5</sup> The Archbishops of Mainz, Treves, and Cologne, whose territories were principalities of the Holy Roman Empire.

It is in these electorates that the first impressions of France are likely to be made; and if they succeed, it is over with the Germanic body as it stands at present. A great revolution is preparing in Germany, and a revolution, in my opinion, likely to be more decisive upon the general fate of nations than that of France itself<sup>6</sup> — other than as in France is to be found the first source of all the principles which are in any way likely to distinguish the troubles and convulsions of our age. If Europe does not conceive the independence and the equilibrium of the Empire to be in the very essence of the system of balanced power in Europe, and if the scheme of public law, or mass of laws, upon which that independence and equilibrium are founded, be of no leading consequence as they are preserved or destroyed, all the politics of Europe for more than two centuries have been miserably erroneous.

If the two great leading powers of Germany do not regard this danger (as apparently they do not) in the light in which it presents itself so naturally, it is because they are powers too great to have a social interest.<sup>7</sup> That sort of interest belongs only to those whose state of weakness or mediocrity is such as to give them greater cause of apprehension from what may destroy them than of hope from anything by which they may be aggrandized.

As long as those two princes are at variance, so long the liberties of Germany are safe. But if ever they should so far understand one another as to be persuaded that they have a more direct and more certainly defined interest in a proportioned mutual aggrandizement than in a reciprocal reduction — that is, if they come to think that they are more likely to be enriched by a division of spoil than to be rendered secure by keeping to the old policy of preventing others from being spoiled by either of them — from that moment the liberties of Germany are no more.

That a junction of two in such a scheme is neither impossible nor improbable is evident from the partition of Poland in 1773, which was effected by such a junction as made the interposition of other nations to prevent it not easy. . . . The geographical position of Poland was a great obstacle to any movements of France in opposition to this, at that time, unparalleled league. To my certain knowledge, if Great Britain had at that time been willing to concur in preventing the execution of a project so dangerous in the example, even exhausted as France then was by

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<sup>6</sup> Surely one of Burke's most brilliant prophecies.

<sup>7</sup> An interest, that is, in the preservation of the existing international order

the preceding war, and under a lazy and unenterprising prince, she would have at every risk taken an active part in this business. But a languor with regard to so remote an interest, and the principles and passions which were then strongly at work at home, were the causes why Great Britain would not give France any encouragement in such an enterprise. At that time, however, and with regard to that object, in my opinion, Great Britain and France had a common interest.

But the position of Germany is not like that of Poland, with regard to France, either for good or for evil. If a conjunction between Prussia and the Emperor should be formed for the purpose of secularizing and rendering hereditary the Ecclesiastical Electorates and the Bishopric of Münster, for settling two of them on the children of the Emperor, and uniting Cologne and Münster to the dominions of the King of Prussia on the Rhine, or if any other project of mutual aggrandizement should be in prospect, and that, to facilitate such a scheme, the modern French should be permitted and encouraged to shake the internal and external security of these Ecclesiastical Electorates, Great Britain is so situated that she could not with any effect set herself in opposition to such a design. Her principal arm, her marine, could here be of no sort of use.

France, the author of the Treaty of Westphalia, is the natural guardian of the independence and balance of Germany. Great Britain (to say nothing of the King's concern as one of that august body) has a serious interest in preserving it; but, except through the power of France, *acting upon the common old principles of state policy*, in the case we have supposed, she has no sort of means of supporting that interest. It is always the interest of Great Britain that the power of France should be kept within the bounds of moderation. It is not her interest that that power should be wholly annihilated in the system of Europe. Though at one time through France the independence of Europe was endangered, it is, and ever was, through her alone that the common liberty of Germany can be secured against the single or the combined ambition of any other power. In truth, within this century the aggrandizement of other sovereign houses has been such that there has been a great change in the whole state of Europe; and other nations as well as France may become objects of jealousy and apprehension.

In this state of things, a new principle of alliances and wars is opened. The Treaty of Westphalia is, with France, an antiquated fable. The rights and liberties she was bound to maintain are

now a system of wrong and tyranny which she is bound to destroy Her good and ill dispositions are shown by the same means. *To communicate peaceably* the rights of men is the true mode of her showing her *friendship*, to force sovereigns to *submit* to those rights is her mode of *hostility*. So that, either as friend or foe, her whole scheme has been, and is, to throw the Empire into confusion; and those statesmen who follow the old routine of politics may see in this general confusion, and in the danger of the *lesser* princes, an occasion, as protectors or enemies, of connecting their territories to one or the other of the *two great* German powers. They do not take into consideration that the means which they encourage, as leading to the event they desire, will with certainty not only ravage and destroy the Empire, but, if they should for a moment seem to aggrandize the two great houses, will also establish principles and confirm tempers amongst the people which will preclude the two sovereigns from the possibility of holding what they acquire, or even the dominions which they have inherited. It is on the side of the Ecclesiastical Electorates that the dikes raised to support the German liberty first will give way.

The French have begun their general operations by seizing upon those territories of the pope the situation of which was the most inviting to the enterprise. Their method of doing it was by exciting sedition and spreading massacre and desolation through these unfortunate places, and then, under an idea of kindness and protection, bringing forward an antiquated title of the crown of France, and annexing Avignon and the two cities of the Comtat, with their territory, to the French republic.<sup>a</sup> They have made an attempt on Geneva, in which they very narrowly failed of success. It is known that they hold out from time to time the idea of uniting all the other provinces of which Gaul was anciently composed, including Savoy on the other side, and on this side bounding themselves by the Rhine.

As to Switzerland, it is a country whose long union, rather than its possible division, is the matter of wonder. Here I know they entertain very sanguine hopes. The aggregation to France of the democratic Swiss republics appears to them to be a work half done by their very form; and it might seem to them rather an increase of importance to these little commonwealths than a derogation from their independency or a change in the manner of their government. Upon any quarrel amongst the cantons,

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<sup>a</sup> Avignon and the Comtat Venaissin, territorial possessions of the papacy since the fourteenth century, were annexed by France, after a plebiscite, in September 1791.

nothing is more likely than such an event. As to the aristocratic republics, the general clamor and hatred which the French excite against the very name (and with more facility and success than against monarchs) and the utter impossibility of their government making any sort of resistance against an insurrection, where they have no troops, and the people are all armed and trained, render their hopes in that quarter far indeed from unfounded. . . .

### *The Revolutionary Danger in Italy*

Switzerland and Germany are the first objects of the new French politicians. When I contemplate what they have done at home, which is, in effect, little less than an amazing conquest, wrought by a change of opinion, in a great part (to be sure far from altogether) very sudden, I cannot help letting my thoughts run along with their designs, and, without attending to geographical order, to consider the other states of Europe, so far as they may be any way affected by this astonishing Revolution. If early steps are not taken in some way or other to prevent the spreading of this influence, I scarcely think any of them perfectly secure.

Italy is divided, as Germany and Switzerland are, into many smaller states, and with some considerable diversity as to forms of government. . . . Savoy I know that the French consider as in a very hopeful way, and I believe not at all without reason. They view it as an old member of the kingdom of France, which may be easily reunited in the manner and on the principles of the reunion of Avignon. This country communicates with Piedmont; and as the king of Sardinia's dominions were long the key of Italy, and as such long regarded by France, whilst France acted on her old maxims, and with views on Italy — so, in this new French empire of sedition, if once she gets that key into her hands, she can easily lay open the barrier which hinders the entrance of her present politics into that inviting region. Milan, I am sure, nourishes great disquiets; and if Milan should stir, no part of Lombardy is secure to the present possessors, whether the Venetian or the Austrian. Genoa is closely connected with France. . . .

Naples has an old, inveterate disposition to republicanism, and (however for some time past quiet) is as liable to explosion as its own Vesuvius. Sicily, I think, has these dispositions in full as strong a degree. In neither of these countries exists anything which very well deserves the name of government or exact police.

In the States of the Church, notwithstanding their strictness in banishing the French out of that country, there are not wanting the seeds of a revolution. . . . Various well-intended, but ill-understood practices, some of them existing, in their spirit at least, from the time of the old Roman Empire, still prevail, and that government is as blindly attached to old abusive customs as others are wildly disposed to all sorts of innovations and experiments. . . . This much is certain, that the Roman people, if once the blind reverence they bear to the sanctity of the pope, which is their only bridle, should relax, are naturally turbulent, ferocious, and headlong, whilst the police is defective, and the government feeble and resourceless beyond all imagination.

### *The Weakness of Spain*

As to Spain, it is a nerveless country. It does not possess the use, it only suffers the abuse, of a nobility. For some time, and even before the settlement of the Bourbon dynasty, that body has been systematically lowered, and rendered incapable by exclusion, and for incapacity excluded from affairs . . .

As to the clergy, they are the only thing in Spain that looks like an independent order, and they are kept in some respect by the Inquisition, the sole but unhappy resource of public tranquillity and order now remaining in Spain. As in Venice, it is become mostly an engine of state — which, indeed, to a degree, it has always been in Spain. It wars no longer with Jews and heretics — it has no such war to carry on. Its great object is to keep atheistic and republican doctrines from making their way in that kingdom . . . In Spain the clergy are of moment from their influence, but at the same time with the envy and jealousy that attend great riches and power. Though the crown has by management with the pope got a very great share of the ecclesiastical revenues into its own hands, much still remains to them. There will always be about that court those who look out to a farther division of the church property as a resource, and to be obtained by shorter methods than those of negotiations with the clergy and their chief. . . .

The several kingdoms which compose Spain have, perhaps, some features which run through the whole; but they are in many particulars as different as nations who go by different names: the Catalans, for instance, and the Aragonians too, in a great measure, have the spirit of the Miquelets,<sup>9</sup> and much more of republicanism

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<sup>9</sup> Originally bandits, in the eighteenth century, Spanish frontier troops.

than of an attachment to royalty. They are more in the way of trade and intercourse with France, and, upon the least internal movement, will disclose and probably let loose a spirit that may throw the whole Spanish monarchy into convulsions.

It is a melancholy reflection that the spirit of melioration which has been going on in that part of Europe, more or less, during this century, and the various schemes very lately on foot for further advancement, are all put a stop to at once. Reformation certainly is nearly connected with innovation; and where that latter comes in for too large a share, those who undertake to improve their country may risk their own safety. In times where the correction, which includes the confession, of an abuse is turned to criminate the authority which has long suffered it, rather than to honor those who would amend it (which is the spirit of this malignant French distemper), every step out of the common course becomes critical, and renders it a task full of peril for princes of moderate talents to engage in great undertakings. At present the only safety of Spain is the old national hatred to the French. How far that can be depended upon, if any great ferments should be excited, it is impossible to say.

As to Portugal, she is out of the highroad of these politics. I shall, therefore, not divert my thoughts that way, but return again to the north of Europe, which at present seems the part most interested, and there it appears to me that the French speculation on the northern countries may be valued in the following or some such manner.

### *Scandinavia, Russia, and Poland*

Denmark and Norway do not appear to furnish any of the materials of a democratic revolution, or the dispositions to it. Denmark<sup>10</sup> can only be *consequently* affected by anything done in France; but of Sweden I think quite otherwise. The present power in Sweden is too new a system, and too green and too sore from its late revolution, to be considered as perfectly assured. The King, by his astonishing activity, his boldness, his decision, his ready versatility, and by rousing and employing the old military spirit of Sweden, keeps up the top with continual agitation and lashing.<sup>11</sup> The moment it ceases to spin, the royalty is a dead bit of box. Whenever Sweden is quiet externally for some time, there is great danger that all the republican elements she con-

<sup>10</sup> Prior to 1814 Norway was attached to the Danish monarchy.

<sup>11</sup> Gustavus III (1771-92), Sweden's "enlightened despot," restored royalist absolutism in 1771.

tains will be animated by the new French spirit, and of this I believe the King is very sensible.

The Russian government is of all others the most liable to be subverted by military seditions, by court conspiracies, and sometimes by headlong rebellions of the people, such as the turbinating movement of Pugachev.<sup>12</sup> It is not quite so probable that in any of these changes the spirit of system may mingle, in the manner it has done in France. The Muscovites are no great speculators; but I should not much rely on their uninquisitive disposition if any of their ordinary motives to sedition should arise. The little catechism of the Rights of Men is soon learned; and the inferences are in the passions.

Poland, from one cause or other, is always unquiet. The new constitution<sup>13</sup> only serves to supply that restless people with new means, at least new modes, of cherishing their turbulent disposition. The bottom of the character is the same. . . .

### *France, the Low Countries, and England*

With regard to Holland and the ruling party there, I do not think it at all tainted, or likely to be so, except by fear; or that it is likely to be misled, unless indirectly and circuitously. But the predominant party in Holland is not Holland. The suppressed faction, though suppressed, exists. Under the ashes the embers of the late commotions are still warm.<sup>14</sup> The anti-Orange party has from the day of its origin been French, though alienated in some degree for some time, through the pride and folly of Louis the Fourteenth. It will ever hanker after a French connection; and now that the internal government in France has been assimilated in so considerable a degree to that which the immoderate republicans began so very lately to introduce into Holland, their connection, as still more natural, will be more desired. I do not well understand the present exterior politics of the Stadtholder, nor the treaty into which the newspapers say he has entered for the States with the Emperor. But the Emperor's own politics with

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<sup>12</sup> A rising in southern Russia (1773-4) under the leadership of Emelyan Pugachev, a Don Cossack.

<sup>13</sup> The Polish constitution of May 1791.

<sup>14</sup> In 1786 pro-French Dutch republicans reduced the power of the Stadtholder, William V. He was restored to full authority by intervention of his wife's brother, Frederick William II of Prussia (September 1787). In April 1788 Britain concluded a defensive alliance with Holland and guaranteed the hereditary stadtholderate in the house of Orange. Shortly afterwards Prussia adhered to this alliance.



regard to the Netherlands<sup>15</sup> seem to me to be exactly calculated to answer the purpose of the French revolutionists. He endeavors to crush the aristocratic party, and to nourish one in avowed connection with the most furious democratists in France.

These provinces in which the French game is so well played they consider as part of the old French Empire: certainly they were amongst the oldest parts of it. These they think very well situated, as their party is well disposed to a reunion. As to the greater nations, they do not aim at making a direct conquest of them, but, by disturbing them through a propagation of their principles, they hope to weaken as they will weaken them, and to keep them in perpetual alarm and agitation, and thus render all their efforts against them utterly impracticable, whilst they extend the dominion of their sovereign anarchy on all sides.

As to England, there may be some apprehension from vicinity, from constant communication, and from the very name of liberty, which, as it ought to be very dear to us, in its worst abuses carries something seductive. It is the abuse of the first and best of the objects which we cherish. I know that many, who sufficiently dislike the system of France, have yet no apprehensions of its prevalence here. I say nothing to the ground of this security in the attachment of the people to their constitution, and their satisfaction in the discreet portion of liberty which it measures out to them. Upon this I have said all I have to say, in the appeal I have published. That security is something, and not inconsiderable; but if a storm arises, I should not much rely upon it.

### *The Strength of the Revolution*

There are other views of things which may be used to give us a perfect (though in my opinion a delusive) assurance of our own security. The first of these is from the weakness and rickety nature of the new system in the place of its first formation. It is thought that the monster of a commonwealth cannot possibly live, that at any rate the ill contrivance of their fabric will make it fall in pieces of itself; that the Assembly must be bankrupt, and that this bankruptcy will totally destroy that system from the contagion of which apprehensions are entertained.

For my part I have long thought that one great cause of the stability of this wretched scheme of things in France was an opinion that it could not stand, and therefore that all external measures to destroy it were wholly useless.

As to the bankruptcy, that event has happened long ago, as

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<sup>15</sup> The Austrian Netherlands Belgium

much as it is ever likely to happen. As soon as a nation compels a competitor to take paper currency in discharge of his debt, there is a bankruptcy. . . .

They are embarrassed, indeed, in the highest degree, but not wholly resourceless. They are without the species of money. Circulation of money is a great convenience, but a substitute for it may be found. Whilst the great objects of production and consumption, corn, cattle, wine, and the like, exist in a country, the means of giving them circulation, with more or less convenience, cannot be *wholly* wanting. The great confiscation of the church and of the crown lands, and of the appanages of the princes, for the purchase of all which their paper is always received at par, gives means of continually destroying and continually creating; and this perpetual destruction and renovation feeds the speculative market, and prevents, and will prevent, till that fund of confiscation begins to fail, a *total* depreciation.

But all consideration of public credit in France is of little avail at present. The action, indeed, of the moneyed interest was of absolute necessity at the beginning of this Revolution; but the French republic can stand without any assistance from that description of men, which, as things are now circumstanced, rather stands in need of assistance itself from the power which alone substantially exists in France. I mean the several districts and municipal republics, and the several clubs which direct all their affairs and appoint all their magistrates. . . .

The world of contingency and political combination is much larger than we are apt to imagine. We never can say what may or may not happen, without a view to all the actual circumstances. Experience, upon other data than those, is of all things the most delusive. Prudence in new cases can do nothing on grounds of retrospect. A constant vigilance and attention to the train of things as they successively emerge, and to act on what they direct, are the only sure courses. The physician that let blood, and by blood-letting cured one kind of plague, in the next added to its ravages. That power goes with property is not universally true, and the idea that the operation of it is certain and invariable may mislead us very fatally.<sup>16</sup>

Whoever will take an accurate view of the state of those republics, and of the composition of the present Assembly deputed by them (in which Assembly there are not quite fifty persons possessed of an income amounting to 100*l.* sterling yearly), must dis-

<sup>16</sup> Burke thus saw and recognized a political truth demonstrated by the totalitarian states of the twentieth century

cern clearly *that the political and civil power of France is wholly separated from its property of every description*, and of course that neither the landed nor the moneyed interest possesses the smallest weight or consideration in the direction of any public concern. The whole kingdom is directed by *the refuse of its chicane*, with the aid of the bustling, presumptuous young clerks of counting-houses and shops, and some intermixture of young gentlemen of the same character in the several towns. . . .

The *truly* active citizens—that is, the above descriptions—are all concerned in intrigue respecting the various objects in their local or their general government. The rota which the French have established for their National Assembly<sup>17</sup> holds out the highest objects of ambition to such vast multitudes as in an unexampled measure to widen the bottom of a new species of interest merely political, and wholly unconnected with birth or property. This scheme of a rota, though it enfeebles the state, considered as one solid body, and indeed wholly disables it from acting as such, gives a great, an equal, and a diffusive strength to the democratic scheme. Seven hundred and fifty people every two years raised to the supreme power has already produced at least fifteen hundred bold, acting politicians: a great number for even so great a country as France. These men never will quietly settle in ordinary occupations, nor submit to any scheme which must reduce them to an entirely private condition, or to the exercise of a steady, peaceful, but obscure and unimportant industry. Whilst they sit in the Assembly, they are denied offices of trust and profit, but their short duration makes this no restraint: during their probation and apprenticeship they are all salaried with an income to the greatest part of them immense; and after they have passed the novitiate, those who take any sort of lead are placed in very lucrative offices, according to their influence and credit, or appoint those who divide their profits with them.

This supply of recruits to the corps of the highest civil ambition goes on with a regular progression. In very few years it must amount to many thousands. These, however, will be as nothing in comparison to the multitude of municipal officers, and officers of district and department, of all sorts, who have tasted of power and profit, and who hunger for the periodical return of the meal. To these needy agitators, the glory of the state, the general wealth

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<sup>17</sup> By the constitution of 1791 members of the legislative body could be re-elected once, but not a second time until after an interval of two years. Moreover, the National Assembly disqualified all its members from election to the first Legislative Assembly.

and prosperity of the nation, and the rise or fall of public credit are as dreams; nor have arguments deduced from these topics any sort of weight with them. The indifference with which the Assembly regards the state of their colonies, the only valuable part of the French commerce, is a full proof how little they are likely to be affected by anything but the selfish game of their own ambition, now universally diffused.

It is true, amidst all these turbulent means of security to their system, very great discontents everywhere prevail. But they only produce misery to those who nurse them at home, or exile, beggary, and in the end confiscation to those who are so impatient as to remove from them. Each municipal republic has a *Committee*, or something in the nature of a *Committee of Research*. In these petty republics the tyranny is so near its object that it becomes instantly acquainted with every act of every man. It stifles conspiracy in its very first movements. Their power is absolute and uncontrollable. No stand can be made against it. These republics are besides so disconnected that very little intelligence of what happens in them is to be obtained beyond their own bounds, except by the means of their clubs, who keep up a constant correspondence, and who give what color they please to such facts as they choose to communicate out of the track of their correspondence. They all have some sort of communication, just as much or as little as they please, with the center. By this confinement of all communication to the ruling faction, any combination, grounded on the abuses and discontents in one, scarcely can reach the other. There is not one man, in any one place, to head them. The old government had so much abstracted the nobility from the cultivation of provincial interest that no man in France exists whose power, credit, or consequence extends to two districts, or who is capable of uniting them in any design, even if any man could assemble ten men together without being sure of a speedy lodging in a prison. One must not judge of the state of France by what has been observed elsewhere. It does not in the least resemble any other country. Analogical reasoning from history or from recent experience in other places is wholly delusive.

In my opinion, there never was seen so strong a government internally as that of the French municipalities. If ever any rebellion can arise against the present system, it must begin, where the Revolution which gave birth to it did, at the capital. . . .

But that place being the chief seat of the power and intelligence of the ruling faction, and the place of occasional resort for their fiercest spirits, even there a revolution is not likely to have

anything to feed it. The leaders of the aristocratic party have been drawn out of the kingdom by order of the princes, on the hopes held out by the Emperor and the King of Prussia at Pillnitz; and as to the democratic factions in Paris, amongst them there are no leaders possessed of an influence for any other purpose but that of maintaining the present state of things. . . .

It is not to be imagined, because a political system is, under certain aspects, very unwise in its contrivance, and very mischievous in its effects, that it therefore can have no long duration. Its very defects may tend to its stability, because they are agreeable to its nature. The very faults in the constitution of Poland made it last, the *veto* which destroyed all its energy preserved its life.<sup>18</sup> What can be conceived so monstrous as the republic of Algiers, and that no less strange republic of the Mamelukes in Egypt? They are of the worst form imaginable, and exercised in the worst manner, yet they have existed as a nuisance on the earth for several hundred years.

From all these considerations, and many more that crowd upon me, three conclusions have long since arisen in my mind.

First, that no counter revolution is to be expected in France from internal causes solely.

Secondly, that the longer the present system exists, the greater will be its strength, the greater its power to destroy discontents at home, and to resist all foreign attempts in favor of these discontents.

Thirdly, that as long as it exists in France, it will be the interest of the managers there, and it is in the very essence of their plan, to disturb and distract all other governments, and their endless succession of restless politicians will continually stimulate them to new attempts.

Princes are generally sensible that this is their common cause; and two of them have made a public declaration of their opinion to this effect. Against this common danger, some of them, such as the King of Spain, the King of Sardinia, and the republic of Bern, are very diligent in using defensive measures.

If they were to guard against an invasion from France, the merits of this plan of a merely defensive resistance might be supported by plausible topics, but as the attack does not operate against these countries externally, but by an internal corruption (a sort of dry rot), they who pursue this merely defensive plan against a danger which the plan itself supposes to be serious can-

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<sup>18</sup> Before 1791 Polish legislation required unanimity, every nobleman possessed a veto.

not possibly escape it. For it is in the nature of all defensive measures to be sharp and vigorous under the impressions of the first alarm, and to relax by degrees, until at length the danger, by not operating instantly, comes to appear as a false alarm—so much so that the next menacing appearance will look less formidable, and will be less provided against . . .

In the meantime a system of French conspiracy is gaining ground in every country. This system, happening to be founded on principles the most delusive indeed, but the most flattering to the natural propensities of the unthinking multitude, and to the speculations of all those who think without thinking very profoundly, must daily extend its influence. A predominant inclination towards it appears in all those who have no religion, when otherwise their disposition leads them to be advocates even for despotism . . .

Boldness formerly was not the character of atheists as such. They were even of a character nearly the reverse; they were formerly like the old Epicureans, rather an unenterprising race. But of late they are grown active, designing, turbulent, and seditious. They are sworn enemies to kings, nobility, and priesthood. We have seen all the academicians at Paris, with Condorcet,<sup>19</sup> the friend and correspondent of Priestley,<sup>20</sup> at their head, the most furious of the extravagant republicans . . . This man would be ready to plunge the poniard in the heart of his pupil, or to whet the axe for his neck. Of all men, the most dangerous is a warm, hot-headed, zealous atheist. This sort of man aims at dominion, and his means are the words he always has in his mouth, "*L'égalité naturelle des hommes, et la souveraineté du peuple.*"

All former attempts grounded on these rights of men had proved unfortunate. The success of this last makes a mighty difference in the effect of the doctrine. Here is a principle of a nature to the multitude the most seductive, always existing before their eyes *as a thing feasible in practice*. After so many failures, such an enterprise, previous to the French experiment, carried ruin to the contrivers, on the face of it, and if any enthusiast was so wild as to wish to engage in a scheme of that nature, it was not easy for him to find followers, now there is a party almost in all countries, ready-made, animated with success, with a sure

<sup>19</sup> Marquis de Condorcet, mathematician and philosopher (1743–94). The National Assembly appointed him preceptor to the Dauphin. He took a leading part in drafting a plan of national education for revolutionary France.

<sup>20</sup> Joseph Priestley (1733–1804), a Unitarian clergyman and eminent scientist, whose political opinions inclined toward Jacobinism.

ally in the very center of Europe. There is no cabal so obscure in any place that they do not protect, cherish, foster, and endeavor to raise it into importance at home and abroad. From the lowest, this intrigue will creep up to the highest. Ambition, as well as enthusiasm, may find its account in the party and in the principle.

The ministers of other kings, like those of the King of France (not one of whom was perfectly free from this guilt, and some of whom were very deep in it), may themselves be the persons to foment such a disposition and such a faction. Herzberg,<sup>21</sup> the King of Prussia's late minister, is so much of what is called a philosopher that he was of a faction with that sort of politicians in everything, and in every place. Even when he defends himself from the imputation of giving extravagantly in to these principles, he still considers the Revolution of France as a great public good, by giving credit to their fraudulent declaration of their universal benevolence and love of peace. Nor are his Prussian Majesty's present ministers at all disinclined to the same system. . . .<sup>22</sup>

Ministers, turning their backs on the reputation which properly belongs to them, aspire at the glory of being speculative writers. The duties of these two situations are in general directly opposite to each other. Speculators ought to be neutral. A minister cannot be so. He is to support the interest of the public as connected with that of his master. He is his master's trustee, advocate, attorney, and steward — and he is not to indulge in any speculation which contradicts that character, or even detracts from its efficacy. Necker had an extreme thirst for this sort of glory; so had others; and this pursuit of a misplaced and misunderstood reputation was one of the causes of the ruin of these ministers, and of their unhappy master. The Prussian ministers in foreign courts have (at least not long since) talked the most democratic language with regard to France, and in the most unmanaged terms. . . .

### *The Political Folly of Sovereigns*

But, indeed, kings are to guard against the same sort of dispositions in themselves. They are very easily alienated from all the higher orders of their subjects, whether civil or military, laic or ecclesiastical. It is with persons of condition that sovereigns

<sup>21</sup> Ewald Friedrich Herzberg (1725-95), chief minister of Frederick William II until 1791, represented the anti-Austrian policy of Frederick the Great, but lost influence when Prussia veered toward Austria.

<sup>22</sup> Burke saw the affinity of the new French system to that of Prussia, which was to become a collaborator with the Jacobin state in 1795.

chiefly come into contact. It is from them that they generally experience opposition to their will. It is with *their* pride and impracticability that princes are most hurt. It is with *their* servility and baseness that they are most commonly disgusted. It is from their humors and cabals that they find their affairs most frequently troubled and distracted. But of the common people, in pure monarchical governments, kings know little or nothing; and therefore being unacquainted with their faults (which are as many as those of the great, and much more decisive in their effects, when accompanied with power), kings generally regard them with tenderness and favor, and turn their eyes towards that description of their subjects, particularly when hurt by opposition from the higher orders. It was thus that the King of France (a perpetual example to all sovereigns) was ruined. . . .

This unfortunate King (not without a large share of blame to himself) was deluded to his ruin by a desire to humble and reduce his nobility, clergy, and his corporate magistracy; not that I suppose he meant wholly to eradicate these bodies, in the manner since effected by the democratic power; I rather believe that even Necker's designs did not go to that extent. With his own hand, however, Louis the Sixteenth pulled down the pillars which upheld his throne; and this he did because he could not bear the inconveniences which are attached to everything human; because he found himself cooped up, and in duration, by those limits which nature prescribes to desire and imagination; and was taught to consider as low and degrading that mutual dependence which Providence has ordained that all men should have on one another . . .

It is to be hoped that the Emperor may be taught better things by this fatal example. But it is sure that he has advisers who endeavor to fill him with the ideas which have brought his brother-in-law to his present situation. Joseph the Second was far gone in this philosophy, and some, if not most, who serve the Emperor would kindly initiate him into all the mysteries of this freemasonry.<sup>3</sup> They would persuade him to look on the National Assembly, not with the hatred of an enemy, but the jealousy of a rival. They would make him desirous of doing, in his own dominions, by a royal despotism, what has been done in France by a democracy. Rather than abandon such enterprises, they would persuade him to a strange alliance between those extremes. Their

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<sup>3</sup> Emperor Leopold, brother-in-law of Louis XVI of France, had succeeded Joseph II in 1790. He was surrounded by many advisers who had risen to influence during the previous reign.



grand object being now, as in his brother's time, at any rate to destroy the higher orders, they think he cannot compass this end, as certainly he cannot, without elevating the lower. By depressing the one and by raising the other they hope in the first place to increase his treasures and his army; and with these common instruments of royal power they flatter him that the democracy, which they help in his name to create, will give him but little trouble. In defiance of the freshest experience, which might show him that old impossibilities are become modern probabilities, and that the extent to which evil principles may go when left to their own operation is beyond the power of calculation, they will endeavor to persuade him that such a democracy is a thing which cannot subsist by itself; that in whosever hands the military command is placed, he must be, in the necessary course of affairs, sooner or later the master; and that, being the master of various unconnected countries, he may keep them all in order by employing a military force which to each of them is foreign. This maxim, too, however formerly plausible, will not now hold water. This scheme is full of intricacy, and may cause him everywhere to lose the hearts of his people. These counselors forget that a corrupted army was the very cause of the ruin of his brother-in-law, and that he is himself far from secure from a similar corruption.

. . . The Emperor's advisers would not for the world rescind one of the acts of this or of the late French Assembly; nor do they wish anything better at present for their master's brother of France than that he should really be, as he is nominally, at the head of the system of persecution of religion and good order, and of all descriptions of dignity, natural and instituted. They only wish all this done with a little more respect to the King's person, and with more appearance of consideration for his new subordinate office — in hopes that, yielding himself for the present to the persons who have effected these changes, he may be able to game for the rest hereafter. . . .

In this state of general rottenness among subjects, and of delusion and false politics in princes, comes a new experiment. The King of France is in the hands of the chiefs of the regicide faction. . . . It is believed that this, by far the worst party of the miscreants of France, has received direct encouragement from the counselors who betray the Emperor. Thus strengthened by the possession of the captive King (now captive in his mind as well as in body) and by a good hope of the Emperor, they intend to send their ministers to every court in Europe — having sent before

them such a denunciation of terror and superiority to every nation without exception as has no example in the diplomatic world. Hitherto the ministers to foreign courts had been of the appointment of the sovereign of France *previous to the Revolution*, and, either from inclination, duty, or decorum, most of them were contented with a merely passive obedience to the new power. At present, the King, being entirely in the hands of his jailors, and his mind broken to his situation, can send none but the enthusiasts of the system.

. . . These ministers will be so many spies and incendiaries, so many active emissaries of democracy. Their houses will become places of rendezvous here, as everywhere else, and centers of cabal for whatever is mischievous and malignant in this country, particularly among those of rank and fashion. As the minister of the National Assembly will be admitted at this court, at least with his usual rank, and as entertainments will be naturally given and received by the King's own ministers, any attempt to discountenance the resort of other people to that minister would be ineffectual, and indeed absurd, and full of contradiction. The women who come with these ambassadors will assist in fomenting factions amongst ours, which cannot fail of extending the evil. Some of them I hear are already arrived. There is no doubt they will do as much mischief as they can.

Whilst the public ministers are received under the general law of the communication between nations, the correspondences between the factious clubs in France and ours will be, as they now are, kept up, but this pretended embassy will be a closer, more steady, and more effectual link between the partisans of the new system on both sides of the water. . . .

### *Effect of Fear on the Sovereign Powers*

Whilst I look over this paper to have it copied, I see a manifesto of the Assembly, as a preliminary to a declaration of war against the German princes on the Rhine. This manifesto contains the whole substance of the French politics with regard to foreign states. It is such that if any of the lawful, acknowledged sovereigns of Europe had publicly ordered such a manifesto to be circulated in the dominions of another, the ambassador of that power would instantly be ordered to quit every court without an audience.<sup>24</sup>

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<sup>24</sup> The manifesto, as proposed by the war party on December 29, 1791, warned all foreign powers that any assistance given the *émigrés* in attacking France would be regarded as an act of hostility. In this

The powers of Europe have a pretext for concealing their fears, by saying that this language is not used by the King; though they well know that there is in effect no such person, that the Assembly is in reality, and by that King is acknowledged to be, *the master*; that what he does is but matter of formality, and that he can neither cause nor hinder, accelerate nor retard, any measure whatsoever, nor add to nor soften the manifesto which the Assembly has directed to be published, with the declared purpose of exciting mutiny and rebellion in the several countries governed by these powers. By the generality also of the menaces contained in this paper (though infinitely aggravating the outrage) they hope to remove from each power separately the idea of a distinct affront. The persons first pointed at by the menace are certainly the princes of Germany, who harbor the persecuted house of Bourbon and the nobility of France; the declaration, however, is general, and goes to every state with which they may have a cause of quarrel. But the terror of France has fallen upon all nations. A few months since, all sovereigns seemed disposed to unite against her; at present they all seem to combine in her favor. At no period has the power of France ever appeared with so formidable an aspect. . . .

I wind up all in a full conviction within my own breast, and the substance of which I must repeat over and over again, that the state of France is the first consideration in the politics of Europe, and of each state, externally as well as internally considered.

Most of the topics I have used are drawn from fear and apprehension. Topics derived from fear or addressed to it are, I well know, of doubtful appearance. To be sure, hope is in general the incitement to action. Alarm some men — you do not drive them to provide for their security; you put them to a stand; you induce them, not to take measures to prevent the approach of danger, but to remove so unpleasant an idea from their minds; you persuade them to remain as they are, from a new fear that their activity may bring on the apprehended mischief before its time. . . . But the few to whom I wish to submit my thoughts are of a character which will enable them to see danger without astonishment, and to provide against it without perplexity.

To what lengths this method of circulating mutinous manifestoes, and of keeping emissaries of sedition in every court under

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form the manifesto was published by order of the Assembly, but the final form voted two days later was reduced to only an indictment of the *émigrés*.

the name of ambassadors, to propagate the same principles and to follow the practices, will go, and how soon they will operate, it is hard to say; but go on it will, more or less rapidly, according to events, and to the humor of the time. . . .

What is to be done?

It would be presumption in me to do more than to make a case. Many things occur. But as they, like all political measures, depend on dispositions, tempers, means, and external circumstances for all their effect, not being well assured of these, I do not know how to let loose any speculations of mine on the subject. The evil is stated, in my opinion, as it exists. The remedy must be where power, wisdom, and information, I hope, are more united with good intentions than they can be with me. I have done with this subject, I believe, forever. It has given me many anxious moments for the two last years. If a great change is to be made in human affairs, the minds of men will be fitted to it, the general opinions and feelings will draw that way. Every fear, every hope, will forward it; and then they who persist in opposing this mighty current in human affairs will appear rather to resist the decrees of Providence itself than the mere designs of men. They will not be resolute and firm, but perverse and obstinate.

## 2. *The Outbreak of War*

¶ Had the Emperor Leopold been eager to intervene in France, hostilities would probably have commenced in January 1792; but he desired to avoid, or at least to postpone, an armed breach. When he promised the Elector of Treves, chief patron of French *émigrés*, that he would give aid in the event of a French attack, it was only on the condition that the archbishop complied with the French demand for expulsion of the *émigrés*. The Brissotins, now more commonly called the Girondins, were increasingly bellicose, and in January they carried a motion in the Assembly demanding that Leopold state his position on the Austrian-French alliance of 1756, which theoretically was still in force. An unsatisfactory reply was to be accepted as tantamount to a declaration of war. To meet this threat, the Emperor in February concluded a defensive alliance with Prussia, and then sent a sharp reply to Paris excoriating the French warmongers. Leopold died the day his reply was read in the Assembly (March 1), but the Girondins were not to be restrained. They forced the resignation of Louis XVI's more hesitant ministers,

and the King—himself not too eager for peace—appointed a ministry favoring war. It was declared against Austria on April 20.

For five months the fortunes of war disappointed both the King and the revolutionists. An early offensive in the Austrian Netherlands was turned into a rout of the poorly organized French forces, and Foreign Minister Dumouriez failed in his efforts to detach Prussia from the Austrian alliance. On the other hand, Frederick William II and Francis II (Leopold's son and successor) were so involved in the difficult and dangerous Polish question that they delayed their preparations against France. Not until the end of July did they begin an invasion, and then the allied commander-in-chief, the Duke of Brunswick, issued an imprudent manifesto in which he not only promised to restore Louis XVI to his former authority but threatened to destroy Paris if the royal family suffered further humiliation. The manifesto infuriated the Paris radicals, who were convinced that the King was in collusion with the enemy and responsible for the poor performance of the French army. On August 10 the Tuileries palace was sacked and the royal family imprisoned. A provisional executive government was established, with Jacques Danton as its leading member. Election of a national constitutional convention followed late in August.

Down to the meeting of the Convention on September 20 the allies had advanced steadily toward Paris, but that very day the French rallied at Valmy, and within ten days the whole aspect of the war changed. The Prussians retreated across the frontier and French offensives were launched in Belgium, Germany, and the dominions of the king of Sardinia. Such was the position when Burke, on November 5, drafted his *Heads for Consideration on the Present State of Affairs*.<sup>25</sup> The probability was growing that England would soon be involved in the war, and Burke favored strong action. He urged that overtures be made to rally Austria, Prussia, Russia, Holland, Switzerland, Sardinia, and especially Spain to the anti-revolutionary cause. In support of his proposals, he analyzed the errors that he believed to have been the cause of allied reverses. ¶

. . . We must see the faults, if any, which have conducted to the present misfortunes; not for the sake of criticism, military or political, or from the common motives of blaming persons and

<sup>25</sup> Works, IV, 381-402

counsels which have not been successful; but in order, if we can, to administer some remedy to these disasters, by the adoption of plans more bottomed in principle, and built on with more discretion. Mistakes may be lessons.

There seem, indeed, to have been several mistakes in the political principles on which the war was entered into, as well as in the plans upon which it was conducted — some of them very fundamental, and not only visibly, but I may say palpably erroneous; and I think him to have less than the discernment of a very ordinary statesman who could not foresee, from the very beginning, unpleasant consequences from those plans, though not the unparalleled disgraces and disasters which really did attend them; for they were, both principles and measures, wholly new and out of the common course, without anything apparently very grand in the conception to justify this total departure from all rule.

*An Allied Error: the Attempt to Save the King without  
the Monarchy*

For, in the first place, the united sovereigns very much injured their cause by admitting that they had nothing to do with the interior arrangements of France <sup>26</sup> — in contradiction to the whole tenor of the public law of Europe, and to the correspondent practice of all its states, from the time we have any history of them. In this particular the two German courts seem to have as little consulted the publicists of Germany as their own true interests, and those of all the sovereigns of Germany and Europe. This admission of a false principle in the law of nations brought them into an apparent contradiction when they insisted on the re-establishment of the royal authority in France.<sup>27</sup> But this confused and contradictory proceeding gave rise to a practical error of worse consequence. It was derived from one and the same root: namely, that the person of the monarch of France was everything; and the monarchy, and the intermediate orders of the state, by which the monarchy was upheld, were nothing. So that, if the united potentates had succeeded so far as to re-establish the authority of that King, and that he should be so ill-advised as to confirm all the confiscations, and to recognize as a lawful body and to class himself with that rabble of murderers (and there wanted not per-

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<sup>26</sup> While expressing extreme concern for the royal family, the allies had professed disinterest in the internal political affairs of France.

<sup>27</sup> Proclaimed in the Brunswick manifesto, 1792.

sons who would so have advised him), there was nothing in the principle or in the proceeding of the united powers to prevent such an arrangement.

An expedition to free a brother sovereign from prison was undoubtedly a generous and chivalrous undertaking. But the spirit and generosity would not have been less if the policy had been more profound and more comprehensive; that is, if it had taken in those considerations and those persons by whom, and, in some measure, for whom, monarchy exists. This would become a bottom for a system of solid and permanent policy, and of operations conformable to that system.

The same fruitful error was the cause why nothing was done to impress the people of France (so far as we can at all consider the inhabitants of France as a people) with an idea that the government was ever to be really French, or indeed anything else than the nominal government of a monarch, a monarch absolute as over them, but whose sole support was to arise from foreign potentates, and who was to be kept on his throne by German forces—in short, that the king of France was to be a viceroy to the emperor and the king of Prussia.

It was the first time that foreign powers, interfering in the concerns of a nation divided into parties, have thought proper to thrust wholly out of their councils, to postpone, to discountenance, to reject, and, in a manner, to disgrace the party whom those powers came to support. The single person of a king cannot be a party. Woe to the king who is himself his party! The royal party, with the king or his representatives at its head, is the *royal cause*. Foreign powers have hitherto chosen to give to such wars as this the appearance of a civil contest, and not that of a hostile invasion. When the Spaniards, in the sixteenth century, sent aids to the chiefs of the League, they appeared as allies to that League, and to the imprisoned King (the Cardinal de Bourbon) which that League had set up.<sup>28</sup> When the Germans came to the aid of the Protestant princes, in the same series of civil wars, they came as allies. When the English came to the aid of Henry the Fourth, they appeared as allies to that prince. So did the French always, when they intermeddled in the affairs of Germany: they came to aid a party there. When the English and Dutch intermeddled in the succession of Spain, they appeared as allies to the Emperor,

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<sup>28</sup> The Catholic League, a party supported by Philip II of Spain in the French civil-religious wars. In 1589 the League refused to recognize Henry IV (of Navarre) as successor to the assassinated Henry III, but instead recognized the Cardinal of Bourbon as Charles X.

Charles the Sixth<sup>21</sup> In short, the policy has been as uniform as its principles were obvious to an ordinary eye.

According to all the old principles of law and policy, a regency ought to have been appointed by the French princes of the blood, nobles, and parliaments, and then recognized by the combined powers. Fundamental law and ancient usage, as well as the clear reason of the thing, have always ordained it during an imprisonment of the king of France: as in the case of John, and of Francis the First<sup>30</sup> A monarchy ought not to be left a moment without a representative having an interest in the succession. The orders of the state ought also to have been recognized in those amongst whom alone they existed in freedom—that is, in the emigrants.

Thus, laying down a firm foundation on the recognition of the authorities of the kingdom of France, according to nature and to its fundamental laws, and not according to the novel and inconsiderate principles of the usurpation which the united powers were come to extirpate, the King of Prussia and the Emperor, as allies of the ancient kingdom of France, would have proceeded with dignity, first, to free the monarch, if possible; if not, to secure the monarchy as principal in the design; and in order to avoid all risks to that great object (the object of other ages than the present, and of other countries than that of France), they would of course avoid proceeding with more haste or in a different manner than what the nature of such an object required.

If the *old* politic and military ideas had governed, the advanced guard would have been formed of those who best knew the country and had some interest in it, supported by some of the best light troops and light artillery, whilst the grand solid body of an army disciplined to perfection proceeded leisurely, and in close connection with all its stores, provisions, and heavy cannon, to support the expedite body in case of misadventure, or to improve and complete its success.

The direct contrary of all this was put in practice. In consequence of the original sin of this project, the army of the French princes was everywhere thrown into the rear, and no part of it

<sup>20</sup> In the War of the Spanish Succession 1700–14, the English and Dutch joined Austria in supporting the claim of Archduke Charles (Holy Roman Emperor, 1711–40) to the Spanish crown, against the supporters of the Bourbon Philip V.

<sup>30</sup> King John of France was captured by the English in the battle of Poitiers in 1356, Francis I became a prisoner of Spain after his defeat at Pavia in 1525.



brought forward to the last moment: the time of the commencement of the secret negotiation. This naturally made an ill impression on the people, and furnished an occasion for the rebels at Paris to give out that the faithful subjects of the King were distrusted, despised, and abhorred by his allies. . . .

In consequence of the adoption of those false politics which turned everything on the King's sole and single person, the whole plan of the war was reduced to nothing but a *coup de main*, in order to set that prince at liberty. If that failed, everything was to be given up.

The scheme of a *coup de main* might (under favorable circumstances) be very fit for a partisan at the head of a light corps, by whose failure nothing material would be deranged. But for a royal army of eighty thousand men, headed by a king in person, who was to march a hundred and fifty miles through an enemy's country — surely this was a plan unheard of. . . .

### *The Behavior of Prussia*

It is singular, and, indeed, a thing, under all its circumstances, inconceivable, that everything should by the Emperor be abandoned to the King of Prussia.<sup>81</sup> That monarch was considered as principal. In the nature of things, as well as in his position with regard to the war, he was only an ally, and a new ally, with crossing interests in many particulars, and of a policy rather uncertain. At best, and supposing him to act with the greatest fidelity, the Emperor and the Empire to him must be but secondary objects. Countries out of Germany must affect him in a still more remote manner. France, other than from the fear of its doctrinal principles, can to him be no object at all. Accordingly, the Rhine, Sardinia, and the Swiss are left to their fate. The King of Prussia has no *direct* and immediate concern with France — *consequently*, to be sure, a great deal; but the Emperor touches France *directly* in many parts; he is a near neighbor to Sardinia, by his Milanese territories; he borders on Switzerland; Cologne, possessed by his uncle, is between Mainz, Treves, and the king of Prussia's territories on the Lower Rhine. The Emperor is the natural guardian of Italy and Germany: the natural balance against the ambition of France, whether republican or monarchical. His ministers and his generals, therefore, ought to have had their full share in every material consultation, which I suspect they had not. If he has no minister capable of plans of policy

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<sup>81</sup> The Austrian court had in effect allowed Prussia to take the lead in military moves against France.

which comprehend the superintendency of a war, or no general with the least of a political head, things have been as they must be. However, in all the parts of this strange proceeding there must be a secret.

It is probably known to ministers. I do not mean to penetrate into it. My speculations on this head must be only conjectural. If the King of Prussia, under the pretext or on the reality of some information relative to ill practice on the part of the court of Vienna, takes advantage of his being admitted into the heart of the Emperor's dominions in the character of an ally, afterwards to join the common enemy, and to enable France to seize the Netherlands, and to reduce and humble the Empire, I cannot conceive, upon every principle, anything more alarming for this country, separately, and as a part of the general system.<sup>32</sup> After all, we may be looking in vain in the regions of politics for what is only the operation of temper and character upon accidental circumstances. But I never knew accidents to decide the *whole* of any great business; and I never knew temper to act but that some system of politics agreeable to its peculiar spirit was blended with it, strengthened it, and got strength from it. Therefore the politics can hardly be put out of the question. . . .

### *Great Britain and Europe. the Case for Intervention*

Whatever may be the cause of the present state of things, on a full and mature view and comparison of the historical matter, of the transactions that have passed before our eyes, and of the future prospect, I think I am authorized to form an opinion without the least hesitation.

That there never was, nor is, nor ever will be, nor ever can be, the least rational hope of making an impression on France by any Continental powers if England is not a part, is not the directing part, is not the soul, of the whole confederacy against it.

This, so far as it is an anticipation of future, is grounded on the whole tenor of former history. In speculation it is to be accounted for on two plain principles.

First, that Great Britain is likely to take a more fair and equal part in the alliance than the other powers, as having less of crossing interest or perplexed discussion with any of them.

Secondly, because France cannot have to deal with any of these Continental sovereigns without their feeling that nation, as a

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<sup>32</sup> Precisely what happened when Prussia made peace with France by the Treaty of Basel in 1795

maritime power, greatly superior to them all put together: a force which is only to be kept in check by England

England, except during the eccentric aberration of Charles the Second,<sup>33</sup> has always considered it as her duty and interest to take her place in such a confederacy. Her chief disputes must ever be with France; and if England shows herself indifferent and unconcerned when these powers are combined against the enterprises of France, she is to look with certainty for the same indifference on the part of these powers when she may be at war with that nation. This will tend totally to disconnect this kingdom from the system of Europe, in which if she ought not rashly to meddle, she ought never wholly to withdraw herself from it.

If, then, England is put in motion, whether by a consideration of the general safety, or of the influence of France upon Spain, or by the probable operations of this new system on the Netherlands, it must embrace in its project the whole as much as possible, and the part it takes ought to be as much as possible a leading and presiding part.

I therefore beg leave to suggest:

First, that a minister should forthwith be sent to Spain, to encourage that court to persevere in the measures they have adopted against France; to make a close alliance and guaranty of possessions, as against France, with that power, and, whilst the formality of the treaty is pending, to assure them of our protection, postponing any lesser disputes to another occasion.

Secondly, to assure the court of Vienna of our desire to enter into our ancient connections<sup>34</sup> with her, and to support her effectually in the war which France has declared against her.

Thirdly, to animate the Swiss and the King of Sardinia to take a part, as the latter once did on the principles of the Grand Alliance.

Fourthly, to put an end to our disputes with Russia, and mutually to forget the past<sup>35</sup> I believe, if she is satisfied of this oblivion, she will return to her old sentiments with regard to this

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<sup>33</sup> Reference to Charles II's alliance with Louis XIV (Treaty of Dover, 1670) against the Dutch Republic

<sup>34</sup> Britain and Austria had been allies against France not only in the War of the Spanish Succession but also in the War of the Austrian Succession (1740-8). This relationship had been reversed by the Diplomatic Revolution of 1756, when Austria and France became allied.

<sup>35</sup> In the Russo-Turk War of 1787-92 the British government had given diplomatic aid to the Ottoman Empire to curb the annexationist imperialism of Russia.

court, and will take a more forward part in this business than any other power.

Fifthly, if what has happened to the King of Prussia is only in consequence of a sort of panic or of levity, and an indisposition to persevere long in one design, the support and concurrence of Russia will tend to steady him, and to give him resolution. If he be ill-disposed, with that power on his back, and without one ally in Europe, I conceive he will not be easily led to derange the plan.

Sixthly, to use the joint influence of our court, and of our then allied powers, with Holland, to arm as fully as she can by sea, and to make some addition by land.

Seventhly, to acknowledge the King of France's next brother (assisted by such a council and such representatives of the kingdom of France as shall be thought proper) regent of France, and to send that prince a small supply of money, arms, clothing, and artillery.

Eighthly, to give force to these negotiations, an instant naval armament ought to be adopted: one squadron for the Mediterranean, another for the Channel. The season is convenient, most of our trade being, as I take it, at home.

### *A Merely Defensive Alliance will Not Suffice*

After speaking of a plan formed upon the ancient policy and practice of Great Britain and of Europe, to which this is exactly conformable in every respect, with no deviation whatsoever, and which is, I conceive, much more strongly called for by the present circumstances than by any former, I must take notice of another, which I hear, but cannot persuade myself to believe, is in agitation. This plan is grounded upon the very same view of things which is here stated—namely, the danger to all sovereigns, and old republics, from the prevalence of French power and influence.

It is to form a congress of all the European powers for the purpose of a general defensive alliance, the objects of which should be:

First, the recognition of this new republic (which they well know is formed on the principles and for the declared purpose of the destruction of all kings) and, whenever the heads of this new republic shall consent to release the royal captives, to make peace with them.

Secondly, to defend themselves with their joint forces against the open aggressions, or the secret practices, intrigues, and writings, which are used to propagate the French principles.

It is easy to discover from whose shop this commodity comes. It is so perfectly absurd that, if that or anything like it meets with a serious entertainment in any cabinet, I should think it the effect of what is called a judicial blindness, the certain forerunner of the destruction of all crowns and kingdoms.

An *offensive* alliance, in which union is preserved by common efforts in common dangers against a common active enemy, may preserve its consistency, and may produce for a given time some considerable effect; though this is not easy, and for any very long period can hardly be expected. But a *defensive* alliance, formed of long discordant interests, with innumerable discussions existing, having no one pointed object to which it is directed, which is to be held together with an unremitted vigilance, as watchful in peace as in war, is so evidently impossible, is such a chimera, is so contrary to human nature and the course of human affairs, that I am persuaded no person in his senses, except those whose country, religion, and sovereign are deposited in the French funds, could dream of it. There is not the slightest petty boundary suit, no difference between a family arrangement, no sort of misunderstanding or cross-purpose between the pride and etiquette of courts that would not entirely disjoint this sort of alliance and render it as futile in its effects as it is feeble in its principle. But when we consider that the main drift of that defensive alliance must be to prevent the operation of intrigue, mischievous doctrine, and evil example, in the success of unprovoked rebellion, regicide, and systematic assassination and massacre, the absurdity of such a scheme becomes quite lamentable. Open the communication with France, and the rest follows of course.

How far the interior circumstances of this country support what is said with regard to its foreign politics must be left to better judgments. I am sure the French faction here is infinitely strengthened by the success of the assassins on the other side of the water. This evil in the heart of Europe must be extirpated from that center, or no part of the circumference can be free from the mischief which radiates from it, and which will spread, circle beyond circle, in spite of all the little defensive precautions which can be employed against it. . . .

### 3. *The Policy of the Allies*

¶ The rush of revolutionary France upon Europe continued through the winter of 1792-3. As armies overran Belgium and threatened the security of the Dutch Republic, the Convention, on November 19, issued a decree declaring "in the name

of the French nation" that it would "bring fraternity and aid to all peoples that wish to recover their liberty," and authorizing its generals "to bring aid to those people and to defend the citizens who have been or may be molested in the cause of liberty." In spite of the repeated professions of the French leaders that they entertained no hostility toward Great Britain, the Pitt administration became extremely anxious — although not for all the reasons Burke had so eloquently argued. The result was that French-British relations cooled rapidly, and when the news of the execution of Louis XVI (January 21, 1793) reached London, the French ambassador was ordered to leave England. Some voices were raised at Paris for conciliating Britain, but on February 1 the Girondins pushed through the Convention a declaration of war against both Britain and Holland. A month later they took a similar step against Spain. Soon afterwards Naples declared war on France, and the new republic faced a European coalition.

By the end of March the French tide was halted in both the Netherlands and the Rhine valley. Once again the revolutionary armies were in retreat. These reverses, which continued until September 1793, had severe repercussions upon the course of events in France. At the beginning of June extreme Jacobins inside and outside the Convention brought pressure upon that body to proscribe the Girondin leaders. In the Committee of Public Safety, to which the Convention had delegated dictatorial powers, Danton, who inclined towards peace negotiations, ceased to be the leading figure. In his place there rose to prominence a group of revolutionists led by Maximilien Robespierre, who carried out a new and more frightful domestic purge. Simultaneously the entire nation was placed upon a more efficient war footing under the direction of Lazare Carnot. It was largely owing to his efforts that the French armies were ready in October 1793 to take advantage of the blunders and lack of co-operation among the members of the coalition.

At this time Burke began to compose his *Remarks on the Policy of the Allies with respect to France*<sup>30</sup>. Again he pointed to the real nature of the conflict convulsing Europe, and he insisted that the fight must be waged not against France, an essential member of the "republic of Europe," but against the Jacobins. ¶

. . . Speaking of this nation as part of a general combination of powers, are we quite sure that others can believe us to be

<sup>30</sup> Works, IV, 405-70

sincere, or that we can be even fully assured of our own sincerity, in the protection of those who shall risk their lives for the restoration of monarchy in France, when the world sees that those who are the natural, legal, constitutional representatives of that monarchy, if it has any, have not had their names so much as mentioned in any one public act, that in no way whatever are their persons brought forward, that their rights have not been expressly or implicitly allowed, and that they have not been in the least consulted on the important interests they have at stake? On the contrary, they are kept in a state of obscurity and contempt, and in a degree of indigence at times bordering on beggary. . . .

What is this, according to the common indications which guide the judgment of mankind, but, under the pretext of protecting the crown of France, in reality to usurp it?

I am also very apprehensive that there are other circumstances which must tend to weaken the force of our declarations. No partiality to the allied powers can prevent great doubts on the fairness of our intentions as supporters of the crown of France, or of the true principles of legitimate government in opposition to Jacobinism, when it is visible that the two leading orders of the state of France, who are now the victims, and who must always be the true and sole supports of monarchy in that country, are, at best, in some of their descriptions, considered only as objects of charity, and others are, when employed, employed only as mercenary soldiers; that they are thrown back out of all reputable service, are in a manner disowned, considered as nothing in their own cause, and never once consulted in the concerns of their king, their country, their laws, their religion, and their property. We even affect to be ashamed of them. . . .

It is, then, plain, by a conduct which overturns a thousand declarations, that we take the Royalists of France only as an instrument of some convenience in a temporary hostility with the Jacobins, but that we regard those atheistic and murderous barbarians as the *bona fide* possessors of the soil of France. It appears, at least, that we consider them as a fair government *de facto*, if not *de jure*, a resistance to which, in favor of the king of France, by any man who happened to be born within that country, might equitably be considered by other nations as the crime of treason.

For my part, I would sooner put my hand into the fire than sign an invitation to oppressed men to fight under my standard,

and then, on every sinister event of war, cruelly give them up to be punished as the basest of traitors, as long as I had one of the common enemy in my hands to be put to death in order to secure those under my protection, and to vindicate the common honor of sovereigns. We hear nothing of this kind of security in favor of those whom we invite to the support of our cause. Without it, I am not a little apprehensive that the proclamations of the combined powers might (contrary to their intention, no doubt) be looked upon as frauds, and cruel traps laid for their lives. . . .

### *Who Are the People of France?*

The affair of the establishment of a government is a very difficult undertaking for foreign powers to act in as *principals*; though as *auxiliaries and mediators* it has been not at all unusual, and may be a measure full of policy and humanity and true dignity.

The first thing we ought to do, supposing us not giving the law as conquerors, but acting as friendly powers applied to for counsel and assistance in the settlement of a distracted country, is well to consider the composition, nature, and temper of its objects, and particularly of those who actually do or who ought to exercise power in that state. It is material to know who they are, and how constituted, whom we consider as *the people of France*.

The next consideration is through whom our arrangements are to be made, and on what principles the government we propose is to be established.

The first question on the people is this: whether we are to consider the individuals *now actually in France, numerically taken and arranged into Jacobin clubs*, as the body politic, constituting the nation of France—or whether we consider the original individual proprietors of lands, expelled since the Revolution, and the states and the bodies politic, such as the colleges of justice called Parliaments, the corporations, noble and not noble, of bailliages and towns and cities, the bishops and the clergy, as the true constituent parts of the nation, and forming the legally organized parts of the people of France.

In this serious concern it is very necessary that we should have the most distinct ideas annexed to the terms we employ; because it is evident that an abuse of the term *people* has been the original, fundamental cause of those evils, the cure of which, by war and policy, is the present object of all the states of Europe.

If we consider the acting power in France, in any legal con-



struction of public law, as the people, the question is decided in favor of the republic one and indivisible. But we have decided for monarchy. If so, we have a king and subjects; and that king and subjects have rights and privileges which ought to be supported at home: for I do not suppose that the government of that kingdom can or ought to be regulated by the arbitrary mandate of a foreign confederacy. . . .

Since, then, we have decided for monarchy in that kingdom, we ought also to settle who is to be the monarch, who is to be the guardian of a minor, and how the monarch and monarchy is to be modified and supported; if the monarch is to be elected, who the electors are to be—if hereditary, what order is established, corresponding with a hereditary monarchy, and fitted to maintain it; who are to modify it in its exercise; who are to restrain its powers where they ought to be limited, to strengthen them where they are to be supported, or to enlarge them where the object, the time, and the circumstances may demand their extension. These are things which, in the outline, ought to be made distinct and clear, for if they are not (especially with regard to those great points, who are the proprietors of the soil, and what is the corporation of the kingdom), there is nothing to hinder the complete establishment of a Jacobin republic (such as that formed in 1790 and 1791) under the name of a *Démocratie Royale*. . . .

I hope no one can be so very blind as to imagine that monarchy can be acknowledged and supported in France upon any other basis than that of its property, *corporate and individual*; or that it can enjoy a moment's permanence or security upon any scheme of things which sets aside all the ancient corporate capacities and distinctions of the kingdom, and subverts the whole fabric of its ancient laws and usages, political, civil, and religious, to introduce a system founded on the supposed *rights of man, and the absolute equality of the human race*. Unless, therefore, we declare clearly and distinctly in favor of the *restoration* of property, and confide to the hereditary property of the kingdom the limitation and qualifications of its hereditary monarchy, the blood and treasure of Europe is wasted for the establishment of Jacobinism in France. . . .

It cannot be too often and too strongly inculcated that monarchy and property must, in France, go together or neither can exist. To think of the possibility of the existence of a permanent and hereditary royalty *where nothing else is hereditary or permanent in point either of personal or corporate dignity* is a ru-

inous chimera, worthy of the Abbé Sieyès<sup>37</sup> and those wicked fools, his associates, who usurped power by the murders of the 19th of July and the 6th of October 1789, and who brought forth the monster which they called *Démocratie Royale*, or the Constitution.

I believe that most thinking men would prefer infinitely some sober and sensible form of a republic, in which there was no mention at all of a king, but which held out some reasonable security to property, life, and personal freedom, to a scheme of things like this *Démocratie Royale*, founded on impiety, immorality, fraudulent currencies, the confiscation of innocent individuals, and the pretended rights of man; and which, in effect, excluding the whole body of the nobility, clergy, and landed property of a great nation, threw everything into the hands of a desperate set of obscure adventurers, who led to every mischief a blind and bloody band of *sans-culottes*. At the head, or rather at the tail, of this system was a miserable pageant, as its ostensible instrument, who was to be treated with every species of indignity, till the moment when he was conveyed from the palace of contempt to the dungeon of horror, and thence led by a brewer of his capital, through the applauses of a hired, frantic, drunken multitude, to lose his head upon a scaffold.

This is the Constitution, or *Démocratie Royale*; and this is what infallibly would be again set up in France, to run exactly the same round, if the predominant power should so far be forced to submit as to receive the name of a king, leaving it to the Jacobins (that is, to those who have subverted royalty and destroyed property) to modify the one and to distribute the other as spoil. . . . As to any other party, none exists in that unhappy country. The Royalists (those in Poitou excepted) are banished and extinguished; and as to what they call the Constitutionalists, or *Démocrates Royaux*, they never had an existence of the smallest degree of power, consideration, or authority, nor, if they differ at all from the rest of the atheistic banditti (which from their actions and principles I have no reason to think), were they ever any other than the temporary tools and instruments of the more determined, able, and systematic regicides. Several attempts have been made to support this chimerical *Démocratie Royale*: the first was by La Fayette, the last by Dumouriez: they tended only to show that this absurd project had no party to support it. . . .

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<sup>37</sup> Emmanuel Joseph Sieyès (1748–1836), a revolutionist greatly addicted to drawing up constitutional schemes. See below, pp. 533–4.

In an address to France, in an attempt to treat with it, or in considering any scheme at all relative to it, it is impossible we should mean the geographical, we must always mean the moral and political country. I believe we shall be in a great error if we act upon an idea that there exists in that country any organized body of men who might be willing to treat on equitable terms for the restoration of their monarchy, but who are nice in balancing those terms, and who would accept such as to them appeared reasonable, but who would quietly submit to the predominant power, if they were not gratified in the fashion of some constitution which suited with their fancies. . . .

### *"The Natural Proprietors of the Country"*

The truth is that France is out of itself: the moral France is separated from the geographical. The master of the house is expelled, and the robbers are in possession. If we look for the *corporate people* of France, existing as corporate in the eye and intention of public law (that corporate people, I mean, who are free to deliberate and to decide, and who have a capacity to treat and conclude), they are in Flanders, and Germany, in Switzerland, Spain, Italy, and England. There are all the princes of the blood, there are all the orders of the state, there are all the parliaments of the kingdom.

This being, as I conceive, the true state of France, as it exists *territorially*, and as it exists *morally*, the question will be with whom we are to concert our arrangements, and whom we are to use as our instruments in the reduction, in the pacification, and in the settlement of France. The work to be done must indicate the workmen. Supposing us to have national objects, we have two principal and one secondary. The first two are so intimately connected as not to be separated even in thought: the re-establishment of royalty, and the re-establishment of property. One would think it requires not a great deal of argument to prove that the most serious endeavors to restore royalty will be made by Royalists. Property will be most energetically restored by the ancient proprietors of that kingdom.

When I speak of Royalists, I wish to be understood of those who were always such from principle. Every arm lifted up for royalty from the beginning was the arm of a man so principled. I do not think there are ten exceptions.

The principled Royalists are certainly not of force to effect these objects by themselves. If they were, the operations of the present great combination would be wholly unnecessary. What

I contend for is that they should be consulted with, treated with, and employed; and that no foreigners whatsoever are either in interest so engaged, or in judgment and local knowledge so competent to answer all these purposes, as the natural proprietors of the country.

Their number, for an exiled party, is also considerable. Almost the whole body of the landed proprietors of France, ecclesiastical and civil, have been steadily devoted to the monarchy. This body does not amount to less than seventy thousand—a very great number in the composition of the respectable classes in any society. I am sure that if half that number of the same description were taken out of this country, it would leave hardly anything that I should call the people of England. . . .

If we wish to make an impression on the minds of any persons in France, or to persuade them to join our standard, it is impossible that they should not be more easily led, and more readily formed and disciplined (civilly and martially disciplined), by those who speak their language, who are acquainted with their manners, who are conversant with their usages and habits of thinking, and who have a local knowledge of their country, and some remains of ancient credit and consideration, than with a body congregated from all tongues and tribes. Where none of the respectable native interests are seen in the transaction, it is impossible that any declarations can convince those that are within, or those that are without, that anything else than some sort of hostility in the style of a conqueror is meant. At best, it will appear to such wavering persons (if such there are), whom we mean to fix with us, a choice whether they are to continue a prey to domestic banditti, or to be fought for as a carrion carcass and picked to the bone by all the crows and vultures of the sky. . . . When they see nothing but bands of English, Spaniards, Neapolitans, Sardinians, Prussians, Austrians, Hungarians, Bohemians, Slavonians, Croatians, *acting as principals*, it is impossible they should think we come with a beneficent design. Many of those fierce and barbarous people have already given proofs how little they regard any French party whatsoever. Some of these nations the people of France are jealous of: such are the English and the Spaniards; others they despise: such are the Italians; others they hate and dread: such are the German and Danubian powers. At best, such interposition of ancient enemies excites apprehension; but in this case, how can they suppose that we come to maintain their legitimate monarchy in a truly paternal French government, to protect their privileges, their laws,

their religion, and their property, when they see us make use of no one person who has any interest in them, any knowledge of them, or any the least zeal for them? On the contrary, they see that we do not suffer any of those who have shown a zeal in that cause which we seem to make our own to come freely into any place in which the allies obtain any footing

The great means, therefore, of restoring the monarchy, which we have made *the main object of the war*, is to assist the dignity, the religion, and the property of France to repossess themselves of the means of their natural influence. This ought to be the primary object of all our politics and all our military operations. Otherwise everything will move in a preposterous order, and nothing but confusion and destruction will follow

I know that misfortune is not made to win respect from ordinary minds. I know that there is a leaning to prosperity, however obtained, and a prejudice in its favor. I know there is a disposition to hope something from the variety and inconstancy of villainy, rather than from the tiresome uniformity of fixed principle. There have been, I admit, situations in which a guiding person or party might be gained over, and through him or them the whole body of a nation. For the hope of such a conversion, and of deriving advantage from enemies, it might be politic for a while to throw your friends into the shade. But examples drawn from history in occasions like the present will be found dangerously to mislead us. France has no resemblance to other countries which have undergone troubles and been purified by them. If France, Jacobinized as it has been for four full years, did contain any bodies of authority and disposition to treat with you (most assuredly she does not), such is the levity of those who have expelled everything respectable in their country, such their ferocity, their arrogance, their mutinous spirit, their habits of defying everything human and divine, that no engagement would hold with them for three months; nor, indeed, could they cohere together for any purpose of civilized society if left as they now are. There must be a means, not only of breaking their strength within themselves, but of *civilizing* them; and these two things must go together before we can possibly treat with them, not only as a nation, but with any division of them. Descriptions of men of their own race, but better in rank, superior in property and decorum, of honorable, decent, and orderly habits, are absolutely necessary to bring them to such a frame as to qualify them so much as to come into contact with a civilized nation. A set of those ferocious savages with arms in their hands,

left to themselves in one part of the country whilst you proceed to another, would break forth into outrages at least as bad as their former. They must, as fast as gained (if ever they are gained), be put under the guide, direction, and government of better Frenchmen than themselves, or they will instantly relapse into a fever of aggravated Jacobinism.

. . . In this way, and *in this way alone*, the country (once broken in upon by foreign force well directed) may be gained and settled. It must be gained and settled by *itself*, and through the medium of its *own* native dignity and property. It is not honest, it is not decent, still less is it politic, for foreign powers themselves to attempt anything in this minute, internal, local detail, in which they could show nothing but ignorance, imbecility, confusion, and oppression. . . .

### *France and the "Diplomatic Republic of Europe"*

I think I have myself studied France as much as most of those whom the allied courts are likely to employ in such a work. I have likewise of myself as partial and as vain an opinion as men commonly have of themselves. But if I could command the whole military arm of Europe, I am sure that a bribe of the best province in that kingdom would not tempt me to inter-meddle in their affairs, except in perfect concurrence and concert with the natural, legal interests of the country, composed of the ecclesiastical, the military, the several corporate bodies of justice and of burghership, making under a monarch (I repeat it again and again) *the French nation according to its fundamental constitution*. No considerate statesman would undertake to meddle with it upon any other condition.

The government of that kingdom is fundamentally monarchical. The public law of Europe has never recognized in it any other form of government. The potentates of Europe have, by that law, a right, an interest, and a duty to know with what government they are to treat, and what they are to admit into the federative society—or, in other words, into the diplomatic republic of Europe. This right is clear and indisputable.

What other and further interference they have a right to in the interior of the concerns of another people is a matter on which, as on every political subject, no very definite or positive rule can well be laid down. Our neighbors are men; and who will attempt to dictate the laws under which it is allowable or forbidden to take a part in the concerns of men, whether they are considered individually or in a collective capacity, whenever charity to them, or a care of

my own safety, calls forth my activity? Circumstances perpetually variable, directing a moral prudence and discretion, the *general* principles of which never vary, must alone prescribe a conduct fitting on such occasions. The latest casuists of public law are rather of a republican cast, and, in my mind, by no means so averse as they ought to be to a right in the people (a word which, ill defined, is of the most dangerous use) to make changes at their pleasure in the fundamental laws of their country. These writers, however, when a country is divided, leave abundant liberty for a neighbor to support any of the parties according to his choice. This interference must, indeed, always be a right whilst the privilege of doing good to others, and of averting from them every sort of evil, is a right; circumstances may render that right a duty. It depends wholly on this, whether it be a *bona fide* charity to a party, and a prudent precaution with regard to yourself, or whether, under the pretense of aiding one of the parties in a nation, you act in such a manner as to aggravate its calamities and accomplish its final destruction. In truth, it is not the interfering or keeping aloof, but iniquitous intermeddling, or treacherous inaction, which is praised or blamed by the decision of an equitable judge.

It will be a just and irresistible presumption against the fairness of the interposing power, that he takes with him no party or description of men in the divided state. It is not probable that these parties should all, and all alike, be more adverse to the true interests of their country, and less capable of forming a judgment upon them, than those who are absolute strangers to their affairs, and to the character of the actors in them, and have but a remote, feeble, and secondary sympathy with their interest. Sometimes a calm and healing arbiter may be necessary; but he is to compose differences, not to give laws. It is impossible that anyone should not feel the full force of that presumption. . . .

### *"This Dreadful and Portentous Energy"*

In all that we do, whether in the struggle or after it, it is necessary that we should constantly have in our eye the nature and character of the enemy we have to contend with. The Jacobin Revolution is carried on by men of no rank, of no consideration, of wild, savage minds, full of levity, arrogance, and presumption, without morals, without probity, without prudence. What have they, then, to supply their innumerable defects, and to make them terrible even to the firmest minds? *One* thing, and *one* thing only—but that one thing is worth a thousand. they have *energy*. In

France, all things being put into a universal ferment, in the decomposition of society, no man comes forward but by his spirit of enterprise and the vigor of his mind. If we meet this dreadful and portentous energy, restrained by no consideration of God or man, that is always vigilant, always on the attack, that allows itself no repose, and suffers none to rest an hour with impunity; if we meet this energy with poor commonplace proceeding, with trivial maxims, paltry old saws, with doubts, fears, and suspicions, with a languid, uncertain hesitation, with a formal, official spirit, which is turned aside by every obstacle from its purpose, and which never sees a difficulty but to yield to it, or at best to evade it—down we go to the bottom of the abyss, and nothing short of Omnipotence can save us. We must meet a vicious and distempered energy with a manly and rational vigor. As virtue is limited in its resources, we are doubly bound to use all that in the circle drawn about us by our morals we are able to command. . . .

### *"A Royal and Commanding Policy"*

The world will judge of the spirit of our proceeding in those places of France which may fall into our power by our conduct in those that are already in our hands. Our wisdom should not be vulgar. Other times, perhaps other measures; but in this awful hour our politics ought to be made up of nothing but courage, decision, manliness, and rectitude. We should have all the magnanimity of good faith. This is a royal and commanding policy; and as long as we are true to it, we may give the law. Never can we assume this command if we will not risk the consequences. For which reason we ought to be bottomed enough in principle not to be carried away upon the first prospect of any sinister advantage. For depend upon it that, if we once give way to a sinister dealing, we shall teach others the game, and we shall be outwitted and overborne; the Spaniards, the Prussians, God knows who, will put us under contribution at their pleasure; and instead of being at the head of a great confederacy, and the arbiters of Europe, we shall, by our mistakes, break up a great design into a thousand little selfish quarrels, the enemy will triumph, and we shall sit down under the terms of unsafe and dependent peace, weakened, mortified, and disgraced, whilst all Europe, England included, is left open and defenseless on every part, to Jacobin principles, intrigues, and arms. . . .

I have Toulon in my eye. It was with infinite sorrow I heard that, in taking the king of France's fleet in trust, we instantly unrigged and dismasted the ships, instead of keeping them in a con-



dition to escape in case of disaster, and in order to fulfill our trust; that is, to hold them for the use of the owner, and in the meantime to employ them for our common service. These ships are now so circumstanced that if we are forced to evacuate Toulon, they must fall into the hands of the enemy or be burnt by ourselves.<sup>38</sup> . . .

Are we, then, so poor in resources that we can do no better with eighteen or twenty ships of the line than to burn them? Had we sent for French royalist naval officers, of which some hundreds are to be had, and made them select such seamen as they could trust, and filled the rest with our own and Mediterranean seamen, which are all over Italy to be had by thousands, and put them under judicious English commanders-in-chief, and with a judicious mixture of our own subordinates, the West Indies would at this day have been ours. It may be said that these French officers would take them for the king of France, and that they would not be in our power. Be it so. The islands would not be ours, but they would not be Jacobinized. . . .

My clear opinion is that Toulon ought to be made, what we set out with, a royal French city. By the necessity of the case, it must be under the influence, civil and military, of the allies. But the only way of keeping that jealous and discordant mass from tearing its component parts to pieces, and hazarding the loss of the whole, is to put the place into the nominal government of the regent, his officers being approved by us. This, I say, is absolutely necessary for a poise amongst ourselves. Otherwise is it to be believed that the Spaniards, who hold that place with us in a sort of partnership, contrary to our mutual interest, will see us absolute masters of the Mediterranean, with Gibraltar on one side and Toulon on the other, with a quiet and composed mind, whilst we do little less than declare that we are to take the whole West Indies into our hands, leaving the vast, unwieldy, and feeble body of the Spanish dominions in that part of the world absolutely at our mercy, without any power to balance us in the smallest degree? Nothing is so fatal to a nation as an extreme of self-partiality, and the total want of consideration of what others will

<sup>38</sup> Following the overthrow of the Girondins in June 1793, Toulon, the chief French naval base on the Mediterranean, rose in royalist revolt against the Convention. In August, Admiral Hood, commanding the British ships that were blockading the port, agreed to an alliance with the rebels for the re-establishment of the French monarchy, on the condition that the city and the French squadron in the harbor be surrendered to him. The squadron was to be returned to France upon the conclusion of hostilities.

naturally hope or fear. Spain must think she sees that we are taking advantage of the confusions which reign in France to disable that country, and of course every country, from affording her protection, and in the end to turn the Spanish monarchy into a province. If she saw things in a proper point of light, to be sure, she would not consider any other plan of politics as of the least moment in comparison of the extinction of Jacobinism. But her ministers (to say the best of them) are vulgar politicians. It is no wonder that they should postpone this great point, or balance it by considerations of the common politics—that is, the questions of power between *state and state*. If we manifestly endeavor to destroy the balance, especially the maritime and commercial balance, both in Europe and the West Indies (the latter their sore and vulnerable part), from fear of what France may do for Spain hereafter, is it to be wondered that Spain, infinitely weaker than we are (weaker, indeed, than such a mass of empire ever was), should feel the same fears from our uncontrolled power that we give way to ourselves from a supposed resurrection of the ancient power of France under a monarchy? It signifies nothing whether we are wrong or right in the abstract; but in respect to our relation to Spain, with such principles followed up in practice, it is absolutely impossible that any cordial alliance can subsist between the two nations. If Spain goes, Naples will speedily follow.<sup>39</sup> Prussia is quite certain, and thinks of nothing but making a market of the present confusions. Italy is broken and divided. Switzerland is Jacobinized, I am afraid, completely. I have long seen with pain the progress of French principles in that country. Things cannot go on upon the present bottom. The possession of Toulon, which, well managed, might be of the greatest advantage, will be the greatest misfortune that ever happened to this nation.<sup>40</sup> The more we multiply troops there, the more we shall multiply causes and means of quarrel amongst ourselves. I know but one way of avoiding it, which is to give a greater degree of simplicity to our politics. . . .

### *"It Is a Religious War"*

Another thing which I cannot account for is the sending for the Bishop of Toulon and afterwards forbidding his entrance. . . . We have proposed to restore religion as well as monarchy;

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<sup>39</sup> Spain "went" in 1795, and Naples followed in 1796.

<sup>40</sup> Divided counsels and jealousies among the allied contingents, especially between the British and Spanish, conspired with the attack conducted by Bonaparte to force evacuation of Toulon in December 1793.

and in Toulon we have restored neither the one nor the other. It is very likely that the Jacobin *sans-culottes*, or some of them, objected to this measure, who rather choose to have the atheistic buffoons of clergy they have got to sport with, till they are ready to come forward, with the rest of their worthy brethren, in Paris and other places, to declare that they are a set of impostors, that they never believed in God, and never will preach any sort of religion. If we give way to our Jacobins in this point, it is fully and fairly putting the government, civil and ecclesiastical, not in the king of France, to whom, as the protector and governor, and in substance the head of the Gallican Church, the nomination to the bishoprics belonged, and who made the Bishop of Toulon; it does not leave it with him, or even in the hands of the king of England, or the king of Spain, but in the basest Jacobins of a low seaport to exercise, *pro tempore*, the sovereignty. If this point of religion is thus given up, the grand instrument for reclaiming France is abandoned. We cannot, if we would, delude ourselves about the true state of this dreadful contest. *It is a religious war.* It includes in its object, undoubtedly, every other interest of society as well as this; but this is the principal and leading feature. It is through this destruction of religion that our enemies propose the accomplishment of all their other views. The French Revolution, impious at once and fanatical, had no other plan for domestic power and foreign empire. . . .

This religious war is not a controversy between sect and sect, as formerly, but a war against all sects and all religions. The question is not whether you are to overturn the Catholic, to set up the Protestant. Such an idea, in the present state of the world, is too contemptible. Our business is to leave to the schools the discussion of the controverted points, abating as much as we can the acrimony of disputants on all sides. It is for Christian statesmen, as the world is now circumstanced, to secure their common basis, and not to risk the subversion of the whole fabric by pursuing these distinctions with an ill-timed zeal. We have in the present grand alliance all modes of government, as well as all modes of religion. In government we mean to restore that which, notwithstanding our diversity of forms, we are all agreed in as fundamental in government. The same principle ought to guide us in the religious part: conforming the mode, not to our particular ideas (for in that point we have no ideas in common), but to what will best promote the great, general ends of the alliance. As statesmen, we are to see which of those modes best

suits with the interests of such a commonwealth as we wish to secure and promote. There can be no doubt but that the Catholic religion, which is fundamentally the religion of France, must go with the monarchy of France. We know that the monarchy did not survive the hierarchy, no, not even in appearance, for many months—in substance, not for a single hour. As little can it exist in future if that pillar is taken away, or even shattered and impaired.

If it should please God to give to the allies the means of restoring peace and order in that focus of war and confusion, I would, as I said in the beginning of this memorial, first replace the whole of the old clergy; because we have proof more than sufficient that, whether they err or not in the scholastic disputes with us, they are not tainted with atheism, the great political evil of the time. I hope I need not apologize for this phrase, as if I thought religion nothing but policy—it is far from my thoughts, and I hope it is not to be inferred from my expressions. But in the light of policy alone I am here considering the question. I speak of policy, too, in a large light; in which large light, policy, too, is a sacred thing.

There are many, perhaps half a million or more, calling themselves Protestants in the south of France, and in other of the provinces. Some raise them to a much greater number; but I think this nearer to the mark. I am sorry to say that they have behaved shockingly since the very beginning of this rebellion, and have been uniformly concerned in its worst and most atrocious acts. Their clergy are just the same atheists with those of the Constitutional Catholics,<sup>41</sup> but still more wicked and daring. Three of their number have met from their republican associates the reward of their crimes.

As the ancient Catholic religion is to be restored for the body of France, the ancient Calvinistic religion ought to be restored for the Protestants, with every kind of protection and privilege. But not one minister concerned in this rebellion ought to be suffered amongst them. If they have not clergy of their own, men well recommended, as untainted with Jacobinism, by the synods of those places where Calvinism prevails and French is spoken, ought to be sought. Many such there are. The Presbyterian discipline ought, in my opinion, to be established in its vigor, and

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<sup>41</sup> Those who subscribed to the Civil Constitution of the Clergy (passed by the National Assembly in July 1790); this law nationalizing the Gallican Church was subsequently condemned by the pope.

the people professing it ought to be bound to its maintenance. No man, under the false and hypocritical pretense of liberty of conscience, ought to be suffered to have no conscience at all. . . .

### *Europe Needs a Strong France*

Another political question arises about the mode of government which ought to be established. . . . When our politics lead us to enterprise a great and almost total political revolution in Europe, we ought to look seriously into the consequences of what we are about to do. Some eminent persons discover an apprehension that the monarchy, if restored in France, may be restored in too great strength for the liberty and happiness of the natives, and for the tranquillity of other states. . . .

As to the power of France as a state, and in its exterior relations, I confess my fears are on the part of its extreme reduction. There is undoubtedly something in the vicinity of France which makes it naturally and properly an object of our watchfulness and jealousy, whatever form its government may take. But the difference is great between a plan for our own security and a scheme for the utter destruction of France. If there were no other countries in the political map but these two, I admit that policy might justify a wish to lower our neighbor to a standard which would even render her in some measure, if not wholly, our dependant. But the system of Europe is extensive and extremely complex. However formidable to us, as taken in this one relation, France is not equally dreadful to all other states. On the contrary, my clear opinion is that the liberties of Europe cannot possibly be preserved but by her remaining a very great and preponderating power. The design at present evidently pursued by the combined potentates, or of the two who lead, is totally to destroy her as such a power. For Great Britain resolves that she shall have no colonies, no commerce, and no marine. Austria means to take away the whole frontier, from the borders of Switzerland to Dunkirk. It is their plan also to render the interior government lax and feeble, by prescribing, by force of the arms of rival and jealous nations, and without consulting the natural interests of the kingdom, such arrangements as, in the actual state of Jacobinism in France, and the unsettled state in which property must remain for a long time, will inevitably produce such distraction and debility in government as to reduce it to nothing, or to throw it back into its old confusion. One cannot conceive so frightful a state of a nation. A maritime country without a marine and without commerce; a continental country with-

out a frontier, and for a thousand miles surrounded with powerful, warlike, and ambitious neighbors! It is possible that she might submit to lose her commerce and her colonies; her security she never can abandon. If, contrary to all expectations, under such a disgraced and impotent government, any energy should remain in that country, she will make every effort to recover her security, which will involve Europe for a century in war and blood. . . .

Take it the other way, and let us suppose that France so broken in spirit as to be content to remain naked and defenseless by sea and by land. Is such a country no prey? Have other nations no views? Is Poland the only country of which it is worth while to make a partition? We cannot be so childish as to imagine that ambition is local, and that no others can be infected with it but those who rule within certain parallels of latitude and longitude. In this way I hold war equally certain. But I can conceive that both these principles may operate: ambition on the part of Austria to cut more and more from France, and French impatience under her degraded and unsafe condition. In such a contest will the other powers stand by? Will not Prussia call for indemnity, as well as Austria and England? Is she satisfied with her gains in Poland? By no means. Germany must pay; or we shall infallibly see Prussia leagued with France and Spain, and possibly with other powers, for the reduction of Austria; and such may be the situation of things that it will not be so easy to decide what part England may take in such a contest.

I am well aware how invidious a task it is to oppose anything which tends to the apparent aggrandizement of our own country. But I think no country can be aggrandized whilst France is Jacobinized. This post removed, it will be a serious question how far her further reduction will contribute to the general safety, which I always consider as included. Among precautions against ambition, it may not be amiss to take one precaution against our *own*. I must fairly say, I dread our *own* power and our *own* ambition; I dread our being too much dreaded. It is ridiculous to say we are not men, and that, as men, we shall never wish to aggrandize ourselves in some way or other. Can we say that even at this very hour we are not invidiously aggrandized? We are already in possession of almost all the commerce of the world. Our empire in India is an awful thing. If we should come to be in a condition not only to have all this ascendant in commerce, but to be absolutely able, without the least control, to hold the commerce of all other nations totally dependent upon our good pleasure, we may say that we shall not abuse this astonishing and hitherto

unheard-of power But every other nation will think we shall abuse it It is impossible but that, sooner or later, this state of things must produce a combination against us which may end in our ruin

As to France, I must observe that for a long time she has been stationary She has, during this whole century, obtained far less by conquest or negotiation than any of the three great Continental powers

So far is France from being formidable to its neighbors for its domestic strength that I conceive it will be as much as all its neighbors can do, by a steady guaranty, to keep that monarchy at all upon its basis It will be their business to nurse France, not to exhaust it France, such as it is, is indeed highly formidable — not formidable, however, as a great republic, but as the most dreadful gang of robbers and murderers that ever was embodied. But this distempered strength of France will be the cause of proportionable weakness on its recovery. Never was a country so completely ruined, and they who calculate the resurrection of her power by former examples have not sufficiently considered what is the present state of things Without detailing the inventory of what organs of government have been destroyed, together with the very materials of which alone they can be recomposed, I wish it to be considered what an operose affair the whole system of taxation is in the old states of Europe It is such as never could be made but in a long course of years In France all taxes are abolished The present powers resort to the capital, and to the capital in kind. But a savage, undisciplined people suffer a robbery with more patience than an *impost*. The former is in their habits and their dispositions They consider it as transient, and as what, in their turn, they may exercise. But the terrors of the present power are such as no regular government can possibly employ. They who enter into France do not succeed to *their* resources. They have not a system to reform, but a system to begin. The whole estate of government is to be reacquired.

### *The Problem of a French Restoration*

. . . What support or what limitations the restored monarchy must have may be a doubt, or how it will pitch and settle at last. But one thing I conceive to be far beyond a doubt that the settlement cannot be immediate, but that it must be preceded by some sort of power, equal at least in vigor, vigilance, promptitude, and decision, to a military government. For such a *preparatory* government, no slow-paced, methodical, formal, lawyer-like system,

still less that of a showy, superficial, trifling, intriguing court, guided by cabals of ladies, or of men like ladies, least of all a philosophic, theoretic, disputatious school of sophistry — none of these ever will or ever can lay the foundations of an order that can last. Whoever claims a right by birth to govern there must find in his breast, or must conjure up in it, an energy not to be expected, perhaps not always to be wished for, in well-ordered states. The lawful prince must have, in everything but crime, the character of a usurper. He is gone if he imagines himself the quiet possessor of a throne. He is to contend for it as much after an apparent conquest as before. His task is to win it; he must leave posterity to enjoy and to adorn it. No velvet cushions for him. He is to be always (I speak nearly to the letter) on horseback. This opinion is the result of much patient thinking on the subject, which I conceive no event is likely to alter.

A valuable friend of mine, who I hope will conduct these affairs, so far as they fall to his share, with great ability, asked me what I thought of acts of general indemnity and oblivion as a means of settling France and reconciling it to monarchy. Before I venture upon any opinion of my own in this matter, I totally disclaim the interference of foreign powers in a business that properly belongs to the government which we have declared legal. That government is likely to be the best judge of what is to be done towards the security of that kingdom, which it is their duty and their interest to provide for by such measures of justice or of lenity as at the time they should find best. . . . In restoring order and justice, everything like retaliation ought to be religiously avoided; and an example ought to be set of a total alienation from the Jacobin proceedings in their accursed revolutionary tribunals. Everything like lumping men in masses, and of forming tables of proscription, ought to be avoided.

In all these punishments anything which can be alleged in mitigation of the offense should be fully considered. Mercy is not a thing opposed to justice. It is an essential part of it — as necessary in criminal cases as in civil affairs equity is to law. It is only for the Jacobins never to pardon. They have not done it in a single instance. A council of mercy ought therefore to be appointed, with powers to report on each case, to soften the penalty, or entirely to remit it, according to circumstances.

With these precautions, the very first foundation of settlement must be to call to a strict account those bloody and merciless offenders. Without it, government cannot stand a year. People little consider the utter impossibility of getting those who, having



emerged from very low, some from the lowest classes of society, have exercised a power so high, and with such unrelenting and bloody a rage, quietly to fall back into their old ranks, and become humble, peaceable, laborious, and useful members of society. It never can be. . . .

I know it sounds plausible, and is readily adopted by those who have little sympathy with the sufferings of others, to wish to jumble the innocent and guilty into one mass by a general indemnity. This cruel indifference dignifies itself with the name of humanity

It is extraordinary that, as the wicked arts of this regicide and tyrannous faction increase in number, variety, and atrocity, the desire of punishing them becomes more and more faint, and the talk of an indemnity towards them every day stronger and stronger. Our ideas of justice appear to be fairly conquered and overpowered by guilt when it is grown gigantic. It is not the point of view in which we are in the habit of viewing guilt. The crimes we every day punish are really below the penalties we inflict. The criminals are obscure and feeble. This is the view in which we see ordinary crimes and criminals. But when guilt is seen, though but for a time, to be furnished with the arms and to be invested with the robes of power, it seems to assume another nature, and to get, as it were, out of our jurisdiction. This I fear is the case with many. But there is another cause full as powerful towards this security to enormous guilt: the desire which possesses people who have once obtained power to enjoy it at their ease. It is not humanity, but laziness and inertness of mind, which produces the desire of this kind of indemnities. This description of men love general and short methods. If they punish, they make a promiscuous massacre; if they spare, they make a general act of oblivion. This is a want of disposition to proceed laboriously according to the cases, and according to the rules and principles of justice on each case: a want of disposition to assort criminals, to discriminate the degrees and modes of guilt, to separate accomplices from principals, leaders from followers, seducers from the seduced, and then, by following the same principles in the same detail, to class punishments, and to fit them to the nature and kind of the delinquency. If that were once attempted, we should soon see that the task was neither infinite nor the execution cruel. There would be deaths, but, for the number of criminals and the extent of France, not many. There would be cases of transportation, cases of labor to restore what has been wickedly destroyed, cases of imprisonment, and cases of mere exile. But be

this as it may, I am sure that if justice is not done there, there can be neither peace nor justice there, nor in any part of Europe.

History is resorted to for other acts of indemnity in other times. The princes are desired to look back to Henry the Fourth. We are desired to look to the restoration of King Charles. These things, in my opinion, have no resemblance whatsoever. They were cases of a civil war — in France more ferocious, in England more moderate than common. In neither country were the orders of society subverted, religion and morality destroyed on principle, or property totally annihilated. In England the government of Cromwell was, to be sure, somewhat rigid, but, for a new power, no savage tyranny. The country was nearly as well in his hands as in those of Charles the Second, and in some points much better. The laws in general had their course, and were admirably administered. The King did not in reality grant an act of indemnity; the prevailing power, then in a manner the nation, in effect granted an indemnity to *him*. The idea of a preceding rebellion was not at all admitted in that convention and that Parliament.<sup>42</sup> The regicides were a common enemy, and as such given up.

Among the ornaments of their place which eminently distinguish them, few people are better acquainted with the history of their own country than the illustrious princes now in exile; but I caution them not to be led into error by that which has been supposed to be the guide of life. I would give the same caution to all princes. Not that I derogate from the use of history. It is a great improver of the understanding, by showing both men and affairs in a great variety of views. From this source much political wisdom may be learned — that is, may be learned as habit, not as precept — and as an exercise to strengthen the mind, as furnishing materials to enlarge and enrich it, not as a repertory of cases and precedents for a lawyer; if it were, a thousand times better would it be that a statesman had never learned to read. . . . This method turns their understanding from the object before them, and from the present exigencies of the world, to comparisons with former times, of which, after all, we can know very little and very imperfectly; and our guides, the historians, who are to give us their true interpretation, are often prejudiced, often ignorant, often fonder of system than of truth. Whereas if a man with reasonable good parts and natural sagacity, and not in the leading-strings of any master, will look steadily on the business before him, without being diverted by retrospect and comparison, he may be capable of forming a reasonable good judgment of

<sup>42</sup> The Parliament of 1660.

what is to be done. There are some fundamental points in which nature never changes; but they are few and obvious, and belong rather to morals than to politics. But so far as regards political matter, the human mind and human affairs are susceptible of infinite modifications, and of combinations wholly new and unlooked-for. Very few, for instance, could have imagined that property, which has been taken for natural dominion, should, through the whole of a vast kingdom, lose all its importance, and even its influence. This is what history or books of speculation could hardly have taught us. How many could have thought that the most complete and formidable revolution in a great empire should be made by men of letters, not as subordinate instruments and trumpeters of sedition, but as the chief contrivers and managers, and in a short time as the open administrators and sovereign rulers? Who could have imagined that atheism could produce one of the most violently operative principles of fanaticism? Who could have imagined that in a commonwealth in a manner cradled in war, and in an extensive and dreadful war, military commanders should be of little or no account; that the Convention should not contain one military man of name; that administrative bodies, in a state of the utmost confusion, and of but a momentary duration, and composed of men with not one imposing part of character, should be able to govern the country and its armies with an authority which the most settled senates and the most respected monarchs scarcely ever had in the same degree? . . .

I believe very few were able to enter into the effects of mere *terror*, as a principle not only for the support of power in given hands or forms, but in those things in which the soundest political speculators were of opinion that the least appearance of force would be totally destructive; such is the market, whether of money, provision, or commodities of any kind. Yet for four years we have seen loans made, treasuries supplied, and armies levied and maintained, more numerous than France ever showed in the field, *by the effects of fear alone*.

Here is a state of things of which in its totality if history furnishes any examples at all, they are very remote and feeble. I therefore am not so ready as some are to tax with folly or cowardice those who were not prepared to meet an evil of this nature. Even now, after the events, all the causes may be somewhat difficult to ascertain. Very many are, however, traceable. But these things history and books of speculation (as I have already said) did not teach men to foresee, and of course to resist. Now that

they are no longer a matter of sagacity, but of experience, of recent experience, of our own experience, it would be unjustifiable to go back to the records of other times to instruct us to manage what they never enabled us to foresee.

#### 4. *The Christian Commonwealth of Europe*

¶ The capture of Toulon from the allies in December 1793 was a shattering blow against the coalition, and additional reverses were suffered in 1794. By early 1795 the French were deep in German, Dutch, and Spanish territory, and by the end of that year the coalition had dissolved. Prussia and Spain quit the war, and Holland was turned against England. In the spring of 1796 General Bonaparte began the conquest of Italy, and a few months later Spain became the war ally of France. This act forced a British naval evacuation of the Mediterranean and cut the tenuous liaison between Britain and Austria. The war had failed, and Burke's worst fears had materialized.

The collapse of the coalition produced in England a rising demand for peace negotiations. In the House of Lords a small faction including Francis Russell, fifth Duke of Bedford, did all in its power to embarrass the administration. And in the Commons not only did Fox and his friends press for an end to the war, but several of Pitt's own supporters were willing to give up the struggle. The strongest advocates for perseverance were, in fact, the Portland Whigs, Burke's former political intimates who had joined Pitt's administration in 1794. In October 1795, when a new French constitution framed by those who had overthrown Robespierre went into effect, the British ministry announced its willingness to treat with France. Several overtures for peace were made and contemptuously rejected at Paris, but so eager was the British government to find a basis for a settlement that the Earl of Malmesbury, in October 1796, was sent to negotiate at Paris. After two months these negotiations broke down. They were resumed at Lille the following year, but again without success.

During this crisis Burke wrote four *Letters on a Regicide Peace*.<sup>43</sup> In the following passages from the first and second of these, Burke set forth the case for continuing a war which he viewed as a civil war within the Christian commonwealth of Europe. It was because the coalition powers had failed to perceive the greatness of the cause and the magnitude of the stakes at issue that they had fallen apart. In these passages may be read

<sup>43</sup> Works, V, 233-508; VI, 9-112.

the most articulate expression of Burke's grand concept of Europe and his philosophy of international politics ¶

. . . In the intercourse between nations, we are apt to rely too much on the instrumental part. We lay too much weight upon the formality of treaties and compacts. We do not act much more wisely when we trust to the interests of men as guaranties of their engagements. The interests frequently tear to pieces the engagements, and the passions trample upon both. Entirely to trust to either is to disregard our own safety, or not to know mankind. Men are not tied to one another by papers and seals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart. They approximate men to men without their knowledge, and sometimes against their intentions. The secret, unseen, but irrefragable bond of habitual intercourse holds them together, even when their perverse and litigious nature sets them to equivocate, scuffle, and fight about the terms of their written obligations.

As to war, if it be the means of wrong and violence, it is the sole means of justice amongst nations. Nothing can banish it from the world. They who say otherwise, intending to impose upon us, do not impose upon themselves. But it is one of the greatest objects of human wisdom to mitigate those evils which we are unable to remove. The conformity and analogy of which I speak, incapable, like everything else, of preserving perfect trust and tranquillity among men, has a strong tendency to facilitate accommodation, and to produce a generous oblivion of the rancor of their quarrels. With this similitude, peace is more of peace, and war is less of war. I will go further. There have been periods of time in which communities apparently in peace with each other have been more perfectly separated than in later times. Many nations in Europe have been in the course of long and bloody wars. The cause must be sought in the similitude throughout Europe of religion, laws, and manners. At bottom, these are all the same. The writers on public law have often called this *aggregate* of nations a commonwealth. They had reason. It is virtually one great state, having the same basis of general law, with some diversity of provincial customs and local establishments. The nations of Europe have had the very same Christian religion, agreeing in the funda-

mental parts, varying a little in the ceremonies and in the subordinate doctrines. The whole of the polity and economy of every country in Europe has been derived from the same sources. It was drawn from the old Germanic or Gothic customary, from the feudal institutions, which must be considered as an emanation from that customary; and the whole has been improved and digested into system and discipline by the Roman law. From hence arose the several orders, with or without a monarch (which are called states), in every European country; the strong traces of which, where monarchy predominated, were never wholly extinguished or merged in despotism. In the few places where monarchy was cast off, the spirit of European monarchy was still left. Those countries still continued countries of states; that is, of classes, orders, and distinctions, such as had before subsisted, or nearly so. Indeed, the force and form of the institution called states continued in greater perfection in those republican communities than under monarchies. From all those sources arose a system of manners and of education which was nearly similar in all this quarter of the globe; and which softened, blended, and harmonized the colors of the whole. There was little difference in the form of the universities for the education of their youth, whether with regard to faculties, to sciences, or to the more liberal and elegant kinds of erudition. From this resemblance in the modes of intercourse, and in the whole form and fashion of life, no citizen of Europe could be altogether an exile in any part of it. There was nothing more than a pleasing variety to recreate and instruct the mind, to enrich the imagination, and to meliorate the heart. When a man traveled or resided, for health, pleasure, business, or necessity, from his own country, he never felt himself quite abroad.

The whole body of this new scheme of manners, in support of the new scheme of politics, I consider as a strong and decisive proof of determined ambition and systematic hostility. I defy the most refining ingenuity to invent any other cause for the total departure of the Jacobin Republic from every one of the ideas and usages, religious, legal, moral, or social, of this civilized world, and for her tearing herself from its communion with such studied violence, but from a formed resolution of keeping no terms with that world. It has not been, as has been falsely and insidiously represented, that these miscreants had only broke with their old government. They made a schism with the whole universe, and that schism extended to almost everything, great and small. . . .

This violent breach of the community of Europe we must con-

clude to have been made (even if they had not expressly declared it over and over again) either to force mankind into an adoption of their system or to live in perpetual enmity with a community the most potent we have ever known. Can any person imagine that, in offering to mankind this desperate alternative, there is no indication of a hostile mind because men in possession of the ruling authority are supposed to have a right to act without coercion in their own territories? As to the right of men to act anywhere according to their pleasure, without any moral tie, no such right exists. Men are never in a state of *total* independence of each other. It is not the condition of our nature; nor is it conceivable how any man can pursue a considerable course of action without its having some effect upon others, or, of course, without producing some degree of responsibility for his conduct. The *situations* in which men relatively stand produce the rules and principles of that responsibility, and afford directions to prudence in exacting it.

Distance of place does not extinguish the duties or the rights of men; but it often renders their exercise impracticable. The same circumstance of distance renders the noxious effects of an evil system in any community less pernicious. But there are situations where this difficulty does not occur, and in which, therefore, these duties are obligatory and these rights are to be asserted. It has ever been the method of public jurists to draw a great part of the analogies on which they form the law of nations from the principles of law which prevail in civil community. Civil laws are not all of them merely positive. Those which are rather conclusions of legal reason than matters of statutable provision belong to universal equity, and are universally applicable. . . . There is a *law of neighborhood* which does not leave a man perfect master on his own ground. When a neighbor sees a *new erection*, in the nature of a nuisance, set up at his door, he has a right to represent it to the judge, who, on his part, has a right to order the work to be stayed or, if established, to be removed. On this head the parent law is express and clear, and has made many wise provisions which, without destroying, regulate and restrain the right of *ownership* by the right of *vicinage*. No *innovation* is permitted that may redound, even secondarily, to the prejudice of a neighbor. . . .

Now where there is no constituted judge, as between independent states there is not, the *vicinage* itself is the natural judge. It is, preventively, the assertor of its own rights, or, remedially, their avenger. Neighbors are presumed to take cognizance

of each other's acts. . . . This principle, which, like the rest, is as true of nations as of individual men, has bestowed on the grand vicinage of Europe a duty to know and a right to prevent any capital innovation which may amount to the erection of a dangerous nuisance. Of the importance of that innovation, and the mischief of that nuisance, they are, to be sure, bound to judge not litigiously; but it is in their competence to judge. They have uniformly acted on this right. What in civil society is a ground of action in politic society is a ground of war. But the exercise of that competent jurisdiction is a matter of moral prudence. As suits in civil society, so war in the political, must ever be a matter of great deliberation. It is not this or that particular proceeding, picked out here and there, as a subject of quarrel, that will do. There must be an aggregate of mischief. There must be marks of deliberation; there must be traces of design; there must be indications of malice; there must be tokens of ambition. There must be force in the body where they exist; there must be energy in the mind. When all these circumstances combine, or the important parts of them, the duty of the vicinity calls for the exercise of its competence; and the rules of prudence do not restrain, but demand it.

### *Jacobinism Not a Local but a General Evil*

. . . I was always steadily of opinion that this disorder was not in its nature intermittent. I conceived that the contest, once begun, could not be laid down again, to be resumed at our discretion, but that our first struggle with this evil would also be our last. I never thought we could make peace with the system; because it was not for the sake of an object we pursued in rivalry with each other, but with the system itself that we were at war. As I understood the matter, we were at war, not with its conduct, but with its existence — convinced that its existence and its hostility were the same.

The faction is not local or territorial. It is a general evil. Where it least appears in action, it is still full of life. In its sleep it recruits its strength and prepares its exertion. Its spirit lies deep in the corruptions of our common nature. The social order which restrains it feeds it. It exists in every country in Europe, and among all orders of men in every country, who look up to France as to a common head. The center is there. The circumference is the world of Europe, wherever the race of Europe may be settled. Everywhere else the faction is militant; in France it is triumphant. In France is the bank of deposit and the bank of circula-



tion of all the pernicious principles that are forming in every state. It will be a folly scarcely deserving of pity, and too mischievous for contempt, to think of restraining it in any other country whilst it is predominant there.

The true nature of a Jacobin war, in the beginning, was by most of the Christian powers felt, acknowledged, and even in the most precise manner declared. In the joint manifesto published by the Emperor and the King of Prussia, on the 4th of August 1792, it is expressed in the clearest terms, and on principles which could not fail, if they had adhered to them, of classing those monarchs with the first benefactors of mankind. This manifesto was published, as they themselves express it, "to lay open to the present generation, as well as to posterity, their motives, their intentions, and the *disinterestedness* of their personal views taking up arms for the purpose of preserving social and political order amongst all civilized nations, and to secure to *each* state its religion, happiness, independence, territories, and real constitution."—"On this ground they hoped that all empires and all states would be unanimous, and, becoming the firm guardians of the happiness of mankind, that they could not fail to unite their efforts to rescue a numerous nation from its own fury, to preserve Europe from the return of barbarism, and the universe from the subversion and anarchy with which it was threatened." . . .

### *"They Saw It Was a Civil War"*

As long as these powers flattered themselves that the menace of force would produce the effect of force, they acted on those declarations; but when their menaces failed of success, their efforts took a new direction. It did not appear to them that virtue and heroism ought to be purchased by millions of rix-dollars. It is a dreadful truth, but it is a truth that cannot be concealed. In ability, in dexterity, in the distinctness of their views, the Jacobins are our superiors. They saw the thing right from the very beginning. Whatever were the first motives to the war among politicians, they saw that in its spirit, and for its objects, it was a *civil war*, and as such they pursued it. It is a war between the partisans of the ancient civil, moral, and political order of Europe against a sect of fanatical and ambitious atheists which means to change them all. It is not France extending a foreign empire over other nations: it is a sect aiming at universal empire, and beginning with the conquest of France. The leaders of that sect secured *the center of Europe*, and that secured, they knew that,

whatever might be the event of battles and sieges, their *cause* was victorious. Whether its territory had a little more or a little less peeled from its surface, or whether an island or two was detached from its commerce, to them was of little moment. The conquest of France was a glorious acquisition. That once well laid as a basis of empire, opportunities never could be wanting to regain or to replace what had been lost, and dreadfully to avenge themselves on the faction of their adversaries.

They saw it was a *civil war*. It was their business to persuade their adversaries that it ought to be a *foreign war*. The Jacobins everywhere set up a cry against the new crusade; and they intrigued with effect in the cabinet, in the field, and in every private society in Europe. Their task was not difficult. The condition of princes, and sometimes of first ministers too, is to be pitied. The creatures of the desk and the creatures of favor had no relish for the principles of the manifestoes. They promised no governments, no regiments, no revenues from whence emoluments might arise by perquisite or by grant. In truth, the tribe of vulgar politicians are the lowest of our species. There is no trade so vile and mechanical as government in their hands. Virtue is not their habit. They are out of themselves in any course of conduct recommended only by conscience and glory. A large, liberal, and prospective view of the interests of states passes with them for romance, and the principles that recommend it for the wanderings of a *disordered imagination*. . . .

### *Why the Allies Failed*

Without the principles of the Jacobins, perhaps without any principles at all, they played the game of that faction. There was a beaten road before them. The powers of Europe were armed; France had always appeared dangerous; the war was easily diverted from France as a faction to France as a state. The princes were easily taught to slide back into their old, habitual course of politics. . . . Their provident fears were changed into avaricious hopes. They carried on their new designs without seeming to abandon the principles of their old policy. They pretended to seek, or they flattered themselves that they sought, in the accession of new fortresses and new territories a *defensive* security. But the security wanted was against a kind of power which was not so truly dangerous in its fortresses nor in its territories as in its spirit and its principles. They aimed, or pretended to aim, at *defending* themselves against a danger from which there can be no security in any *defensive* plan. . . .

It would answer no great purpose to enter into the particular errors of the war. The whole has been but one error. It was but nominally a war of alliance. As the combined powers pursued it, there was nothing to hold an alliance together. There could be no tie of *honor* in a society for pillage. There could be no tie of a common *interest* where the object did not offer such a division amongst the parties as could well give them a warm concern in the gains of each other, or could, indeed, form such a body of equivalents as might make one of them willing to abandon a separate object of his ambition for the gratification of any other member of the alliance. The partition of Poland offered an object of spoil in which the parties *might* agree. They were circumjacent, and each might take a portion convenient to his own territory.<sup>44</sup> They might dispute about the value of their several shares, but the contiguity to each of the demandants always furnished the means of an adjustment. Though hereafter the world will have cause to rue this iniquitous measure, and they most who were most concerned in it, for the moment there was wherewithal in the object to preserve peace amongst confederates in wrong. But the spoil of France did not afford the same facilities for accommodation. What might satisfy the house of Austria in a Flemish frontier afforded no equivalent to tempt the cupidity of the King of Prussia. What might be desired by Great Britain in the West Indies must be coldly and remotely, if at all, felt as an interest at Vienna, and it would be felt as something worse than a negative interest at Madrid. Austria, long possessed with unwise and dangerous designs on Italy, could not be very much in earnest about the conservation of the old patrimony of the house of Savoy; and Sardinia, who owed to an Italian force all her means of shutting out France from Italy, of which she has been supposed to hold the key, would not purchase the means of strength upon one side by yielding it on the other: she would not readily give the possession of Novara for the hope of Savoy.<sup>45</sup> No Continental power was willing to lose any of its Continental objects for the increase of the naval power of Great Britain; and Great Britain would not give up any of the objects she sought for, as the means of an increase to her naval power, to further their aggrandizement.

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<sup>44</sup> In 1793 Prussia and Russia annexed portions of Poland, and what remained was divided among Austria, Prussia, and Russia in 1795.

<sup>45</sup> Sardinia had gained Novara from Austria in 1738, and was unwilling to cede it back in return for Austrian help in recovering Savoy from France.

The moment this war came to be considered as a war merely of profit, the actual circumstances are such that it never could become really a war of alliance. Nor can the peace be a peace of alliance, until things are put upon their right bottom. . . .

### *"A New Power of a New Species"*

Viewing things in this light, I have frequently sunk into a degree of despondency and dejection hardly to be described; yet out of the profoundest depths of this despair, an impulse which I have in vain endeavored to resist has urged me to raise one feeble cry against this unfortunate coalition which is formed at home, in order to make a coalition with France, subversive of the whole ancient order of the world. No disaster of war, no calamity of season, could ever strike me with half the horror which I felt from what is introduced to us by this junction of parties under the soothing name of peace. We are apt to speak of a low and pusillanimous spirit as the ordinary cause by which dubious wars terminate in humiliating treaties. It is here the direct contrary. I am perfectly astonished at the boldness of character, at the intrepidity of mind, the firmness of nerve, in those who are able with deliberation to face the perils of Jacobin fraternity.

This fraternity is, indeed, so terrible in its nature, and in its manifest consequences, that there is no way of quieting our apprehensions about it but by totally putting it out of sight, by substituting for it, through a sort of periphrasis, something of an ambiguous quality, and describing such a connection under the terms of "*the usual relations of peace and amity.*" By this means the proposed fraternity is hustled in the crowd of those treaties which imply no change in the public law of Europe, and which do not upon system affect the interior condition of nations. It is confounded with those conventions in which matters of dispute among sovereign powers are compromised by the taking off a duty more or less, by the surrender of a frontier town or a disputed district on the one side or the other, by pactions in which the pretensions of families are settled (as by a conveyancer making family substitutions and successions), without any alteration in the laws, manners, religion, privileges, and customs of the cities or territories which are the subject of such arrangements.

All this body of old conventions, composing the vast and voluminous collection called the *corps diplomatique*, forms the code or statute law, as the methodized reasonings of the great publicists and jurists form the digest and jurisprudence of the Chris-

tian world. In these treasures are to be found the *usual* relations of peace and amity in civilized Europe; and there the relations of ancient France were to be found amongst the rest.

The present system in France is not the ancient France. It is not the ancient France with ordinary ambition and ordinary means. It is not a new power of an old kind. It is a new power of a new species. When such a questionable shape is to be admitted for the first time into the brotherhood of Christendom, it is not a mere matter of idle curiosity to consider how far it is in its nature alliable with the rest, or whether "the relations of peace and amity" with this new state are likely to be of the same nature with the *usual* relations of the states of Europe.

The Revolution in France had the relation of France to other nations as one of its principal objects. The changes made by that Revolution were not the better to accommodate her to the old and usual relations, but to produce new ones. The Revolution was made, not to make France free, but to make her formidable; not to make her a neighbor, but a mistress; not to make her more observant of laws, but to put her in a condition to impose them. To make France truly formidable, it was necessary that France should be new-modeled. . . .

### *The Philosophers and the Extirpation of Religion*

In the Revolution of France, two sorts of men were principally concerned in giving a character and determination to its pursuits: the philosophers and the politicians. They took different ways, but they met in the same end.

The philosophers had one predominant object, which they pursued with a fanatical fury: that is, the utter extirpation of religion. To that every question of empire was subordinate. They had rather domineer in a parish of atheists than rule over a Christian world. Their temporal ambition was wholly subservient to their proselytizing spirit, in which they were not exceeded by Mahomet himself.

They who have made but superficial studies in the natural history of the human mind have been taught to look on religious opinions as the only cause of enthusiastic zeal and sectarian propagation. But there is no doctrine whatever, on which men can warm, that is not capable of the very same effect. The social nature of man impels him to propagate his principles, as much as physical impulses urge him to propagate his kind. The passions give zeal and vehemence. The understanding bestows design and system. The whole man moves under the discipline of his opin-

ions. Religion is among the most powerful causes of enthusiasm. When anything concerning it becomes an object of much meditation, it cannot be indifferent to the mind. They who do not love religion hate it. The rebels to God perfectly abhor the Author of their being. They hate Him "with all their heart, with all their mind, with all their soul, and with all their strength." He never presents Himself to their thoughts but to menace and alarm them. They cannot strike the sun out of heaven, but they are able to raise a smoldering smoke that obscures him from their own eyes. Not being able to revenge themselves on God, they have a delight in vicariously defacing, degrading, torturing, and tearing in pieces His image in man. Let no one judge of them by what he has conceived of them when they were not incorporated, and had no lead. They were then only passengers in a common vehicle. They were then carried along with the general motion of religion in the community, and, without being aware of it, partook of its influence. In that situation, at worst, their nature was left free to counterwork their principles. They despaired of giving any very general currency to their opinions: they considered them as a reserved privilege for the chosen few. But when the possibility of dominion, lead, and propagation presented themselves, and that the ambition which before had so often made them hypocrites might rather gain than lose by a daring avowal of their sentiments, then the nature of this infernal spirit, which has "evil for its good," appeared in its full perfection. Nothing, indeed, but the possession of some power can with any certainty discover what at the bottom is the true character of any man. . . .

### *The Politicians and the Aggrandizement of France*

The other sort of men were the politicians. To them, who had little or not at all reflected on the subject, religion was in itself no object of love or hatred. They disbelieved it, and that was all. Neutral with regard to that object, they took the side which in the present state of things might best answer their purposes. They soon found that they could not do without the philosophers; and the philosophers soon made them sensible that the destruction of religion was to supply them with means of conquest, first at home, and then abroad. The philosophers were the active internal agitators, and supplied the spirit and principles; the second gave the practical direction. Sometimes the one predominated in the composition, sometimes the other. The only difference between them was in the necessity of conceal-

ing the general design for a time, and in their dealing with foreign nations the fanatics going straight forward and openly, the politicians by the surer mode of zigzag. In the course of events, this, among other causes, produced fierce and bloody contentions between them; but at the bottom they thoroughly agreed in all the objects of ambition and irreligion, and substantially in all the means of promoting these ends.

Without question, to bring about the unexampled event of the French Revolution the concurrence of a very great number of views and passions was necessary. In that stupendous work, no one principle by which the human mind may have its faculties at once invigorated and depraved was left unemployed; but I can speak it to a certainty, and support it by undoubted proofs, that the ruling principle of those who acted in the Revolution *as statesmen* had the exterior aggrandizement of France as their ultimate end in the most minute part of the internal changes that were made. We, who of late years have been drawn from an attention to foreign affairs by the importance of our domestic discussions, cannot easily form a conception of the general eagerness of the active and energetic part of the French nation, itself the most active and energetic of all nations, previous to its Revolution, upon that subject. . . . The whole official system, particularly in the diplomatic part, the regulars, the irregulars, down to the clerks in office (a corps without all comparison more numerous than the same amongst us), co-operated in it. All the intriguers in foreign politics, all the spies, all the intelligencers, actually or late in function, all the candidates for that sort of employment, acted solely upon that principle. . . .

There was no point on which the discontented diplomatic politicians so bitterly arraigned their cabinet as for the decay of French influence in all others. From quarreling with the court, they began to complain of monarchy itself, as a system of government too variable for any regular plan of national aggrandizement. They observed that in that sort of regimen too much depended on the personal character of the prince: that the vicissitudes produced by the succession of princes of a different character, and even the vicissitudes produced in the same man, by the different views and inclinations belonging to youth, manhood, and age, disturbed and distracted the policy of a country made by nature for extensive empire, or, what was still more to their taste, for that sort of general overruling influence which prepared empire or supplied the place of it. They had continually in their hands the observations of Machiavel on Livy. They had

Montesquieu's *Grandeur et décadence des Romains* as a manual; and they compared, with mortification, the systematic proceedings of a Roman senate with the fluctuations of a monarchy. They observed the very small additions of territory which all the power of France, actuated by all the ambition of France, had acquired in two centuries. The Romans had frequently acquired more in a single year. . . .

The diplomatic politicians of whom I speak, and who formed by far the majority in that class, made disadvantageous comparisons even between their more legal and formalizing monarchy and the monarchies of other states, as a system of power and influence. They observed that France not only lost ground herself, but, through the languor and unsteadiness of her pursuits, and from her aiming through commerce at naval force which she never could attain without losing more on one side than she could gain on the other, three great powers, each of them (as military states) capable of balancing her, had grown up on the Continent. Russia and Prussia had been created almost within memory; and Austria, though not a new power, and even curtailed in territory, was, by the very collision in which she lost that territory, greatly improved in her military discipline and force. During the reign of Maria Theresa the interior economy of the country was made more to correspond with the support of great armies than formerly it had been. As to Prussia, a merely military power, they observed that one war had enriched her with as considerable a conquest as France had acquired in centuries.<sup>40</sup> Russia had broken the Turkish power, by which Austria might be, as formerly she had been, balanced in favor of France. They felt it with pain that the two northern powers of Sweden and Denmark were in general under the sway of Russia; or that, at best, France kept up a very doubtful conflict, with many fluctuations of fortune, and at an enormous expense, in Sweden. In Holland the French party seemed, if not extinguished, at least utterly obscured, and kept under by a stadtholder, leaning for support sometimes on Great Britain, sometimes on Prussia, sometimes on both, never on France. Even the spreading of the Bourbon family had become merely a family accommodation, and had little effect on the national politics. This alliance, they said, extinguished Spain by destroying all its energy, without adding anything to the real power of France in the accession of the forces of its great rival. In Italy

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<sup>40</sup> Annexation of Silesia in the War of Austrian Succession, 1740-8.



the same family accommodation, the same national insignificance, were equally visible.<sup>47</sup> What cure for the radical weakness of the French monarchy, to which all the means which wit could devise, or nature and fortune could bestow, towards universal empire, was not of force to give life or vigor or consistency, but in a republic? Out the word came: and it never went back.

Whether they reasoned right or wrong, or that there was some mixture of right and wrong in their reasoning, I am sure that in this manner they felt and reasoned. The different effects of a great military and ambitious republic and of a monarchy of the same description were constantly in their mouths. The principle was ready to operate when opportunities should offer, which few of them, indeed, foresaw in the extent in which they were afterwards presented; but these opportunities, in some degree or other, they all ardently wished for. . . .

### *The Character of the Historic Christian States*

When I contemplate the scheme on which France is formed, and when I compare it with these systems with which it is and ever must be in conflict, those things which seem as defects in her polity are the very things which make me tremble. The states of the Christian world have grown up to their present magnitude in a great length of time and by a great variety of accidents. They have been improved to what we see them with greater or less degrees of felicity and skill. Not one of them has been formed upon a regular plan or with any unity of design. As their constitutions are not systematical, they have not been directed to any *peculiar* end, eminently distinguished, and superseding every other. The objects which they embrace are of the greatest possible variety, and have become in a manner infinite. In all these old countries, the state has been made to the people, and not the people conformed to the state. Every state has pursued not only every sort of social advantage, but it has cultivated the welfare of every individual. His wants, his wishes, even his tastes, have been consulted. This comprehensive scheme virtually produced a degree of personal liberty in forms the most adverse to it. That liberty was found, under monarchies styled absolute, in a degree unknown to the ancient commonwealths. From hence the powers of all our modern states meet, in all their movements, with some obstruction. It is therefore no wonder that when these states are to be considered as machines to operate for some one great end, that this dissipated and bal-

<sup>47</sup> The Bourbons in Naples and Parma.

anced force is not easily concentrated, or made to bear with the whole force of the nation upon one point.

The British state is, without question, that which pursues the greatest variety of ends, and is the least disposed to sacrifice any one of them to another or to the whole. It aims at taking in the entire circle of human desires, and securing for them their fair enjoyment. Our legislature has been ever closely connected, in its most efficient part, with individual feeling and individual interest. Personal liberty, the most lively of these feelings and the most important of these interests, which in other European countries has rather arisen from the system of manners and the habits of life than from the laws of the state (in which it flourished more from neglect than attention), in England has been a direct object of government. . . .

### *The New French Despotism*

France differs essentially from all those governments which are formed without system, which exist by habit, and which are confused with the multitude and with the complexity of their pursuits. What now stands as government in France is struck out at a heat. The design is wicked, immoral, impious, oppressive; but it is spirited and daring; it is systematic; it is simple in its principle; it has unity and consistency in perfection. In that country, entirely to cut off a branch of commerce, to extinguish a manufacture, to destroy the circulation of money, to violate credit, to suspend the course of agriculture, even to burn a city or to lay waste a province of their own, does not cost them a moment's anxiety. To them the will, the wish, the want, the liberty, the toil, the blood of individuals, is as nothing. Individuality is left out of their scheme of government. The state is all in all. Everything is referred to the production of force; afterwards, everything is trusted to the use of it. It is military in its principle, in its maxims, in its spirit, and in all its movements. The state has dominion and conquest for its sole objects: dominion over minds by proselytism, over bodies by arms.

Thus constituted, with an immense body of natural means, which are lessened in their amount only to be increased in their effect, France has, since the accomplishment of the Revolution, a complete unity in its direction. It has destroyed every resource of the state which depends upon opinion and the good-will of individuals. The riches of convention disappear. The advantages of nature in some measure remain; even these, I admit, are astonishingly lessened; the command over what remains is com-

plete and absolute. We go about asking when assignats will expire, and we laugh at the last price of them. But what signifies the fate of those tickets of despotism? The despotism will find despotic means of supply. They have found the short cut to the productions of nature, while others, in pursuit of them, are obliged to wind through the labyrinth of a very intricate state of society. They seize upon the fruit of the labor, they seize upon the laborer himself. Were France but half of what it is in population, in compactness, in applicability of its force, situated as it is, and being what it is, it would be too strong for most of the states of Europe, constituted as they are, and proceeding as they proceed. Would it be wise to estimate what the world of Europe, as well as the world of Asia, had to dread from Genghiz Khan upon a contemplation of the resources of the cold and barren spot in the remotest Tartary from whence first issued that scourge of the human race? Ought we to judge from the excise and stamp duties of the rocks, or from the paper circulation of the sands of Arabia, the power by which Mahomet and his tribes laid hold at once on the two most powerful empires of the world, beat one of them totally to the ground, broke to pieces the other, and, in not much longer space of time than I have lived, overturned governments, laws, manners, religion, and extended an empire from the Indus to the Pyrenees?

Material resources never have supplied, nor ever can supply, the want of unity in design and constancy in pursuit. But unity in design and perseverance and boldness in pursuit have never wanted resources, and never will. We have not considered as we ought the dreadful energy of a state in which the property has nothing to do with the government. Reflect, my dear Sir, reflect again and again, on a government in which the property is in complete subjection, and where nothing rules but the mind of desperate men. The condition of a commonwealth not governed by its property was a combination of things which the learned and ingenious speculator Harrington, who has tossed about society into all forms, never could imagine to be possible. We have seen it; the world has felt it; and if the world will shut their eyes to this state of things, they will feel it more. The rulers there have found their resources in crimes. The discovery is dreadful, the mine exhaustless. They have everything to gain, and they have nothing to lose. They have a boundless inheritance in hope, and there is no medium for them betwixt the highest elevation and death with infamy. . . .

From all this what is my inference? It is that this new sys-

tem of robbery in France cannot be rendered safe by any art; that it *must* be destroyed, or that it will destroy all Europe; that to destroy that enemy, by some means or other, the force opposed to it should be made to bear some analogy and resemblance to the force and spirit which that system exerts; that war ought to be made against it in its vulnerable parts. These are my inferences. In one word, with this republic nothing independent can coexist. . . .



## IX

# Ireland and Catholic Political Emancipation

### *1. The Question of the Franchise*

§ FROM 1778 to 1782 a course of revolutionizing events had transformed Ireland from a conquered province to a juridically independent national kingdom. The inability of British armed forces to garrison Ireland and defend its coasts adequately during the war with France and America had provoked the rise of the Volunteers, a large but entirely unofficial armed militia formed by the people themselves and including even some Catholics. This spontaneous movement was professedly loyal to the crown and the British cause; defense of the land—not revolution—was its single avowed purpose. But it was emphatically national and the London government and the Dublin Castle administration of Ireland feared it.

Many Irish Dissenters (Presbyterians) enrolled in the Volunteers, and they were not only hostile to British restrictive control of Irish trade but sympathetic with the American Revolution. Here lay a main reason why Lord North's government favored the 1778 Catholic Relief Act in Ireland.<sup>1</sup> For a long time Irish Catholics had seemed to regard the English-controlled Irish administration less as an oppressor than as a protector from a worse oppressor: the native anti-Catholic fanaticism that found strong expression in the Irish Parliament. During the Seven Years' War and the American Revolutionary War a great many Irish Catholics had been illicitly enlisted in the king's armies. Totally excluded from political life, the Catholics of Ireland were largely indifferent to the political nationalism that was growing among the Protestants. The British government naturally desired to maintain this condition and exploit it for British advantage.

Nevertheless, the exigencies of a global war and the potentially dangerous Irish Volunteer movement of 1778-82 pressed the Brit-

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<sup>1</sup> See above, pp. 163-4.

ish government into a general retreat from the position of absolute dominance it had held in Ireland since 1690. In 1779-80 the English Parliament repealed the long-standing restraints on the Irish export trade and threw open the markets of the colonies to Irish merchants. The whole system whereby Irish trade was restricted to serve the narrow interests of English economy fell to the ground. In 1780 the English Privy Council approved an act of the Irish Parliament to relieve Dissenters from the Test Act (1673), which had required all holders of offices under the crown to receive the sacrament according to the rites of the Anglican Church. The Irish Presbyterians were thus placed politically on a level with their fellow-countrymen who belonged to the Episcopal (Anglican) Church of Ireland. Two years later, in 1782, the second Rockingham administration acquiesced in the demands of the Protestant nationalists of Ireland, led by Henry Grattan, for complete independence of the Irish Parliament from the legislative jurisdiction of the English Parliament and the veto of the English Privy Council. In this way Ireland became a theoretically separate and independent state, connected with Great Britain only by the tie of a common sovereign. The change was accomplished without violence. Burke, who valued Anglo-Irish unity in the bonds of liberal empire, approved what was done. The 1782 Revolution in Ireland, he thought, had achieved for that country what the 1688 Revolution had accomplished for England. He wrote to Lord Charlemont, who played a leading role in the Irish independence movement: 'I assure you that I take a sincere part in the general joy, and hope that mutual affection will do more for mutual help and mutual advantage between the two kingdoms than any ties of artificial connection. . . . I am convinced that no reluctant tie can be a strong one, and that a natural cheerful alliance will be a far surer link of connection than any principle of subordination borne with grudging and discontent'."

The kingdom of Ireland, however, was in fact far from being a genuinely independent state. The ministers were not responsible to Parliament, but were appointed and kept in office by the King, whose viceroy, the lord-lieutenant of Ireland, was a cabinet-ranking member of the British government. The Parliament at Westminster could no longer legislate for Ireland, but the English ministers of George III retained a powerful grasp upon the Irish state, and the Dublin Castle administration continued to

<sup>2</sup> Quoted by Lecky, *History of England in the Eighteenth Century*, IV, 606

govern Ireland and wield a commanding influence in the corrupt, unrepresentative, and exclusively Protestant Irish legislature. The country remained charged, therefore, with potential political dis-temper.

This blazed out with the French Revolution. An Irish type of Jacobinism, largely derived from Presbyterian radicalism, manifested itself in the formation in 1791 of the revolutionary Society of United Irishmen. It aimed at reforming the Irish Parliament, overthrowing the Dublin Castle regime, cutting the tie with Great Britain, and establishing a national democratic republic. The United Irishmen, who in 1798 were to precipitate civil war in the country, desired to remove all civil and political disabilities deriving from religion, and unite Protestants with Catholics in a secularized democracy.

Until the rise of the United Irishmen no step had been taken to admit the Catholics to Irish political society. Grattan, to be sure, had been willing in 1782 to admit them, for he believed this would have the educative effect of causing them gradually to abandon their "superstitious" religion. But opposition to Catholic political emancipation was overwhelming at that time. It was indeed the honest opinion of many liberal and religiously tolerant Protestants that the Catholics were not yet politically fit to exercise the franchise, and there were few visible signs that they desired it. But with the French Revolution the great body of Irish Catholics for the first time in the century began to interest itself in politics. The ideas of Liberty, Equality, Fraternity had an inevitable appeal to an economically oppressed and politically outlawed people who formed the vast majority of the Irish nation. The hearts of many were turned toward the United Irishmen. This development brought the question of Catholic political emancipation into the sphere of practical issues, and presently the English government threw its influence into the scales in behalf of conferring the franchise on Catholics.

The reason for the policy was plain. Pitt's government was becoming increasingly alarmed by the French Revolution. There was the danger of war and the internal danger of Jacobin revolutionaries in the British Isles, especially the danger of Irish Catholics' allying themselves with Protestant Irish Jacobins. The French persecution of the Catholic Church was relaxing the stiff anti-Catholic prejudices of patriotic Englishmen, and the fact was reflected in the passage, in 1791, of a law for further relief of Catholics in England. It gave full legal security to the rites of their religion and to priests who took an oath of loyalty. It also

opened to them the legal profession, but not Parliament, or the parliamentary franchise, or offices and commissions under the crown. Burke of course favored the measure and would have liked a far more generous one. His son, Richard, acted as adviser and agent for the Catholic Committee that negotiated with the government during preparation of the bill.

Burke and his son also did what they could for the Catholic political cause in Ireland. A principal contribution was the publication of Burke's pamphlet-length *Letter to Sir Hercules Langrishe, Bart., M.P., on the subject of the Roman Catholics of Ireland and the propriety of admitting them to the elective franchise, consistently with the principles of the Constitution, as established at the Revolution*.<sup>3</sup> From his home at Beaconsfield, under date of January 3, 1792, he wrote: ¶

. . . The case upon which your letter of the 10th of December turns is hardly before me with precision enough to enable me to form any very certain judgment upon it. It seems to be some plan of further indulgence proposed for the Catholics of Ireland. . . .

In my present state of imperfect information, you will pardon the errors into which I may easily fall. The principles you lay down are "that the Roman Catholics should enjoy everything *under* the state, but should not be *the state itself*." And you add "that, when you exclude them from being a *part of the state*, you rather conform to the spirit of the age than to any abstract doctrine"; but you consider the constitution as already established — that our state is Protestant. "It was declared so at the Revolution. It was so provided in the acts for settling the succession of the crown; the king's coronation oath was enjoined in order to keep it so. The king, as first magistrate of the state, is obliged to take the oath of abjuration, and to subscribe the Declaration; and by laws subsequent, every other magistrate and member of the state, legislative and executive, are bound under the same obligation."

As to the plan to which these maxims are applied, I cannot speak, as I told you, positively about it; because neither from your letter nor from any information I have been able to collect do I find anything settled, either on the part of the Roman Catholics themselves, or on that of any persons who may wish to conduct their affairs in Parliament. But if I have leave to conjecture, something is in agitation towards admitting them, under *certain qualifications*, to have *some share* in the election of members of Parliament. This I understand is the scheme of those who are en-

<sup>3</sup> Works, IV, 243-306.



titled to come within your description of persons of consideration, property, and character — and firmly attached to the king and constitution, as by "law established, with a grateful sense of your former concessions, and a patient reliance on the benignity of Parliament for the further mitigation of the laws that still affect them." As to the low, thoughtless, wild, and profligate, who have joined themselves with those of other professions, but of the same character, you are not to imagine that for a moment I can suppose them to be met with anything else than the manly and enlightened energy of a firm government, supported by the united efforts of all virtuous men, if ever their proceedings should become so considerable as to demand its notice. . .

### *"A Degraded State of Citizenship"*

Setting, therefore, this case out of the question, it becomes an object of very serious consideration whether, because wicked men of *various* descriptions are engaged in seditious courses, the rational, sober, and valuable part of *one* description should not be indulged in their sober and rational expectations. You, who have looked deeply into the spirit of the Popery laws, must be perfectly sensible that a great part of the present mischief which we abhor in common (if it at all exists) has arisen from them. Their declared object was to reduce the Catholics of Ireland to a miserable populace, without property, without estimation, without education.<sup>1</sup> The professed object was to deprive the few men who, in spite of those laws, might hold or obtain any property amongst them of all sort of influence or authority over the rest. They divided the nation into two distinct bodies, without common interest, sympathy, or connection. One of these bodies was to possess *all* the franchises, *all* the property, *all* the education; the other was to be composed of drawers of water and cutters of turf for them. Are we to be astonished, when, by the efforts of so much violence in conquest, and so much policy in regulation, continued without intermission for near a hundred years, we had reduced them to a mob, that, whenever they came to act at all, many of them would act exactly like a mob, without temper, measure, or foresight? Surely it might be just now a matter of temperate discussion whether you ought not to apply a remedy to the real cause of the evil. If the disorder you speak of be real and considerable, you ought to raise an aristocratic interest — that is, an interest of property and education — amongst them,

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<sup>1</sup> See above, Chapter IV, section 2

and to strengthen, by every prudent means, the authority and influence of men of that description. . . .

You begin by asserting that "the Catholics ought to enjoy all things *under* the state, but that they ought not to *be the state*": a position which, I believe, in the latter part of it, and in the latitude there expressed, no man of common sense has ever thought proper to dispute; because the contrary implies that the state ought to be in them *exclusively*. But before you have finished the line, you express yourself as if the other member of your proposition—namely, that "they ought not to be *a part* of the state"—were necessarily included in the first—whereas I conceive it to be as different as a part is from the whole; that is, just as different as possible. . . .

Wishing to proceed with a deliberative spirit and temper in so very serious a question, I shall attempt to analyze, as well as I can, the principles you lay down, in order to fit them for the grasp of an understanding so little comprehensive as mine. "State"—"Protestant"—"Revolution"—these are terms which, if not well explained, may lead us into many errors. In the word *state* I conceive there is much ambiguity. The state is sometimes used to signify *the whole commonwealth*, comprehending all its orders, with the several privileges belonging to each. Sometimes it signifies only *the higher and ruling part* of the commonwealth, which we commonly call *the government*. In the first sense, to be under the state, but not the state itself, *nor any part of it*—that is, to be nothing at all in the commonwealth—is a situation perfectly intelligible; but to those who fill that situation, not very pleasant, when it is understood. It is a state of *civil servitude*, by the very force of the definition. . . . This servitude, which makes men *subject* to a state without being *citizens*, may be more or less tolerable from many circumstances; but these circumstances, more or less favorable, do not alter the nature of the thing. The mildness by which absolute masters exercise their dominion leaves them masters still. . . .

In the other sense of the word *state*, by which is understood the *supreme government* only, I must observe this upon the question: that to exclude whole classes of men entirely from this *part* of government cannot be considered as *absolute slavery*. It only implies a lower and degraded state of citizenship: such is (with more or less strictness) the condition of all countries in which a hereditary nobility possess the exclusive rule. This may be no bad mode of government—provided that the personal authority of individual nobles be kept in due bounds, that their cabals and

rations are guarded against with a severe vigilance, and that the people (who have no share in granting their own money) are subjected to but light impositions, and are otherwise treated with attention, and with indulgence to their humors and prejudices. . . .

*Proscriptive Exclusions do Not Accord  
with the Constitution*

Between the extreme of a *total exclusion*, to which your maxim goes, and a *universal unmodified capacity* to which the fanatics pretend, there are many different degrees and stages, and a great variety of temperaments, upon which prudence may give full scope to its exertions. For you know that the decisions of prudence (contrary to the system of the insane reasoners) differ from those of judicature, and that almost all the former are determined on the more or the less, the earlier or the later, and on a balance of advantage and inconvenience, of good and evil.

In all considerations which turn upon the question of vesting or continuing the state solely and exclusively in some one description of citizens, prudent legislators will consider how far *the general form and principles of their commonwealth render it fit to be cast into an oligarchical shape, or to remain always in it*. We know that the government of Ireland (the same as the British) is not in its constitution *wholly* aristocratical, and as it is not such in its form, so neither is it in its spirit. If it had been inveterately aristocratical, exclusions might be more patiently submitted to. The lot of one plebeian would be the lot of all; and a habitual reverence and admiration of certain families might make the people content to see government wholly in hands to whom it seemed naturally to belong. But our constitution has *a plebeian member*, which forms an essential integrant part of it. A plebeian oligarchy is a monster, and no people, not absolutely domestic or predial slaves, will long endure it. The Protestants of Ireland are not *alone* sufficiently the people to form a democracy; and they are *too numerous* to answer the ends and purposes of *an aristocracy*. Admiration, that first source of obedience, can be only the claim or the imposture of the few. I hold it to be absolutely impossible for two millions of plebeians, composing certainly a very clear and decided majority in that class, to become so far in love with six or seven hundred thousand of their fellow citizens (to all outward appearance plebeians like themselves, and many of them tradesmen, servants, and otherwise inferior to some of them) as to see with satisfaction, or even with

patience, an exclusive power vested in them, by which *constitutionally* they become the absolute masters, and, by the *manners* derived from their circumstances, must be capable of exercising upon them, daily and hourly, an insulting and vexatious superiority. Neither are the majority of the Irish indemnified (as in some aristocracies) for this state of humiliating vassalage (often inverting the nature of things and relations) by having the lower walks of industry wholly abandoned to them. They are rivaled, to say the least of the matter, in every laborious and lucrative course of life while every franchise, every honor, every trust, every place, down to the very lowest and least confidential (besides whole professions), is reserved for the master caste.

Our constitution is not made for great, general, and proscriptive exclusions, sooner or later it will destroy them, or they will destroy the constitution. In our constitution there has always been a difference between a *franchise* and an *office*, and between the capacity for the one and for the other. Franchises were supposed to belong to the *subject*, as a *subject*, and not as a *member of the governing part of the state*. The policy of government has considered them as things very different, for, whilst Parliament excluded by the test acts (and for a while these test acts were not a dead letter, as now they are in England) Protestant Dissenters from all civil and military employments, they *never touched their right of voting for members of Parliament or sitting in either House*—a point I state, not as approving or condemning, with regard to them, the measure of exclusion from employments, but to prove that the distinction has been admitted in legislature, as, in truth, it is founded in reason.

I will not here examine whether the principles of the British [the Irish] constitution be wise or not. I must assume that they are, and that those who partake the franchises which make it partake of a benefit. They who are excluded from votes (under proper qualifications inherent in the constitution that gives them) are excluded, not from *the state*, but from *the British constitution*. They cannot by any possibility, whilst they hear its praises continually rung in their ears, and are present at the declaration which is so generally and so bravely made by those who possess the privilege, that the best blood in their veins ought to be shed to preserve their share in it—they, the disfranchised part, cannot, I say, think themselves in a *happy* state, to be utterly excluded from all its direct and all its consequential advantages. The popular part of the constitution must be to them by far the most odious part of it. To them it is not an *actual*, and, if pos-

sible, still less a *virtual* representation. It is, indeed, the direct contrary. It is power unlimited placed in the hands of *an adverse* description *because it is an adverse description*. And if they who compose the privileged body have not an interest, they must but too frequently have motives of pride, passion, petulance, peevish jealousy, or tyrannic suspicion, to urge them to treat the excluded people with contempt and rigor. . . .

### *Established Protestantism Is Not a Mere Negation of Catholicism*

I have said enough of the question of state, *as it affects the people merely as such*. But it is complicated with a political question relative to religion, to which it is very necessary I should say something; because the term *Protestant*, which you apply, is too general for the conclusions which one of your accurate understanding would wish to draw from it, and because a great deal of argument will depend on the use that is made of that term.

It is *not* a fundamental part of the settlement at the Revolution that the state should be Protestant *without any qualification of the term*. With a qualification it is unquestionably true; not in all its latitude. With the qualification, it was true before the Revolution. Our predecessors in legislation were not so irrational (not to say impious) as to form an operose ecclesiastical establishment, and even to render the state itself in some degree subservient to it, when their religion (if such it might be called) was nothing but a mere *negation* of some other — without any positive idea, either of doctrine, discipline, worship, or morals, in the scheme which they professed themselves, and which they imposed upon others, even under penalties and incapacities. No! No! This never could have been done, even by reasonable atheists. . . . There never has been a religion of the state (the few years of the Parliament<sup>5</sup> only excepted) but that of *the Episcopal Church of England*: the Episcopal Church of England, before the Reformation, connected with the see of Rome; since then, disconnected, and protesting against some of her doctrines, and against the whole of her authority, as binding in our national church. Nor did the fundamental laws of this kingdom (in Ireland it has been the same) ever know, at any period, any other church *as an object of establishment* — or, in that light, any other Protestant religion. Nay, our Protestant *toleration* itself, at the Revolution, and until within a few years, required a

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<sup>5</sup> The period of the Commonwealth and Protectorate, 1649–60

signature of thirty-six, and a part of the thirty-seventh, out of the Thirty-nine Articles. So little idea had they at the Revolution of *establishing* Protestantism indefinitely that they did not indefinitely *tolerate* it under that name. . . .

The Church of Scotland knows as little of Protestantism *undefined* as the Church of England and Ireland do. She has by the articles of union secured to herself the perpetual establishment of *the Confession of Faith*, and the *Presbyterian* Church government. In England, even during the troubled interregnum, it was not thought fit to establish a *negative* religion; but the Parliament settled the *Presbyterian* as the church *discipline*, the *Directory* as the rule of public *worship*, and the *Westminster Catechism* as the institute of *faith*. This is to show that at no time was the Protestant religion, *undefined*, established here or anywhere else, as I believe. . . .

As to the coronation oath, to which you allude, as opposite to admitting a Roman Catholic to the use of any franchise whatsoever, I cannot think that the king would be perjured if he gave his assent to any regulation which Parliament might think fit to make with regard to that affair. The king is bound by law, as clearly specified in several acts of Parliament, to be in communion with the Church of England. It is a part of the tenure by which he holds his crown; and though no provision was made till the Revolution, which could be called positive and valid in law, to ascertain this great principle, I have always considered it as in fact fundamental that the king of England should be of the Christian religion, according to the national legal church for the time being. I conceive it was so before the Reformation. Since the Reformation it became doubly necessary, because the king is the head of that church, in some sort an ecclesiastical person, and it would be incongruous and absurd to have the head of the Church of one faith, and the members of another. The king may *inherit* the crown as a *Protestant*, but he cannot *hold it*, according to law, without being a Protestant of *the Church of England*.

Before we take it for granted that the king is bound by his coronation oath not to admit any of his Catholic subjects to the rights and liberties which ought to belong to them as Englishmen (not as religionists), or to settle the conditions or proportions of such admission by an act of Parliament, I wish you to place before your eyes that oath itself, as it is settled in the act of William and Mary.

"Will you to the utmost of your power maintain the laws of

God, the true profession of the Gospel, and the Protestant Reformed Religion *established by law*? And will you preserve unto the *bishops* and clergy of this realm, and to the churches committed to *them* charge, all such rights and privileges as by law do or shall appertain unto them, or any of them? — All this I promise to do."

Here are the coronation engagements of the king. In them I do not find one word to preclude his Majesty from consenting to any arrangement which Parliament may make with regard to the civil privileges of any part of his subjects.

It may not be amiss, on account of the light which it will throw on this discussion, to look a little more narrowly into the matter of that oath, in order to discover how far it has hitherto operated, or how far in future it ought to operate, as a bar to any proceedings of the crown and Parliament in favor of those against whom it may be supposed that the king has engaged to support the Protestant Church of England in the two kingdoms in which it is established by law. First, the king swears he will maintain to the utmost of his power "the laws of God." I suppose it means the natural moral laws. Secondly, he swears to maintain "the true profession of the Gospel." By which I suppose is understood *affirmatively* the Christian religion. Thirdly, that he will maintain "the Protestant reformed religion." This leaves me no power of supposition or conjecture; for that Protestant reformed religion is defined and described by the subsequent words, "established by law"; and in this instance, to define it beyond all possibility of doubt, he swears to maintain the "bishops and clergy, and the churches committed to their charge," in their rights present and future. . . .

For reasons forcible enough at all times, but at this time particularly forcible with me, I dwell a little the longer upon this matter, and take the more pains, to put us both in mind that it was not settled at the Revolution that the state should be Protestant, in the latitude of the term, but in a defined and limited sense only, and that in that sense only the king is sworn to maintain it. To suppose that the king has sworn with his utmost power to maintain what it is wholly out of his power to discover, or which, if he could discover, he might discover to consist of things directly contradictory to each other, some of them perhaps impious, blasphemous, and seditious upon principle, would be not only a gross, but a most mischievous absurdity. If mere dissent from the Church of Rome be a merit, he that dissents the most perfectly is the most meritorious. In many

points we hold strongly with that church. He that dissents throughout with that church will dissent with the Church of England, and then it will be a part of his merit that he dissents with ourselves: a whimsical species of merit for any set of men to establish. . . . A man is certainly the most perfect Protestant who protests against the whole Christian religion. Whether a person's having no Christian religion be a title to favor, in exclusion to the largest description of Christians, who hold all the doctrines of Christianity, though holding along with them some errors and some superfluities, is rather more than any man, who has not become recreant and apostate from his baptism, will, I believe, choose to affirm. . . .

### *The Established Church and the Dissenters*

Now let us fairly see what course has been taken relative to those against whom, in part at least, the king has sworn to maintain a church, *positive in its doctrine and its discipline*. The first thing done, even when the oath was fresh in the mouth of the sovereigns, was to give a toleration to Protestant Dissenters *whose doctrines they ascertained*.<sup>6</sup> As to the mere civil privileges which the Dissenters held as subjects before the Revolution, these were not touched at all. The laws have fully permitted, in a qualification for all offices, to such Dissenters, *an occasional conformity*: a thing I believe singular where tests are admitted. The act, called the Test Act, itself is, with regard to them, grown to be hardly anything more than a dead letter.<sup>7</sup> Whenever the Dissenters cease by their conduct to give any alarm to the government, in church and state, I think it very probable that even this matter, rather disgusting than inconvenient to them, may be removed, or at least so modified as to distinguish the qualification to those offices which really *guide the state* from those which are *merely instrumental*, or that some other and better tests may be put in their place.

So far as to England. In Ireland you have outrun us. Without waiting for an English example, you have totally, and without any modification whatsoever, repealed the test as to Protestant Dissenters.<sup>8</sup> . . . By this unqualified repeal you certainly did not mean to deny that it was the duty of the crown to preserve

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<sup>6</sup> The Toleration Act of 1689, which gave to Dissenters the legal right to worship publicly on complying with certain regulations.

<sup>7</sup> The Test Act was to be repealed for Dissenters in England, in 1828.

<sup>8</sup> See above, p. 475.



the church against Protestant Dissenters, or taking this to be the true sense of the two Revolution acts of King William, and of the previous and subsequent Union acts of Queen Anne, you did not declare by this most unqualified repeal, by which you broke down all the barriers, not invented, indeed, but carefully preserved, at the Revolution—you did not then and by that proceeding declare that you had advised the king to perjury towards God and perfidy towards the church. No! far, very far from it! You never would have done it if you did not think it could be done with perfect repose to the royal conscience, and perfect safety to the national established religion. You did this upon a full consideration of the circumstances of your country. Now, if circumstances required it, why should it be contrary to the king's oath, his Parliament judging on those circumstances, to restore to his Catholic people, in such measure and with such modifications as the public wisdom shall think proper to add, *some part* in these franchises which they formerly had held without any limitation at all, and which, upon no sort of urgent reason at the time, they were deprived of? If such means can with any probability be shown, from circumstances, rather to add strength to our mixed ecclesiastical and secular constitution than to weaken it, surely they are means infinitely to be preferred to penalties, incapacities, and proscriptions, continued from generation to generation. They are perfectly consistent with the other parts of the coronation oath, in which the king swears to maintain "the laws of God and the true profession of the Gospel, and to govern the people according to the statutes in Parliament agreed upon, and the laws and customs of the realm." . . .

### *Laws of Regulation Are Not Fundamental*

There is no man on earth, I believe, more willing than I am to lay it down as a fundamental of the constitution that the Church of England should be united and even identified with it; but, allowing this, I cannot allow that all *laws of regulation* made from time to time in support of that fundamental law are of course equally fundamental and equally unchangeable. This would be to confound all the branches of legislation and of jurisprudence. The *crown* and the personal safety of the monarch are *fundamentals* in our constitution; yet I hope that no man regrets that the rabble of statutes got together during the reign of Henry the Eighth, by which treasons are multiplied with so prolific an energy, have been all repealed in a body; although

they were all, or most of them, made in support of things truly fundamental in our constitution. So were several of the acts by which the crown exercised its supremacy: such as the act of Elizabeth for making the *high commission courts*, and the like; as well as things made treason in the time of Charles the Second. None of this species of *secondary and subsidiary laws* have been held fundamental. They have yielded to circumstances; particularly where they were thought, even in their consequences, or obliquely, to affect other fundamentals. How much more, certainly, ought they to give way when, as in our case, they affect, not here and there, in some particular point, or in their consequence, but universally, collectively, and directly, the fundamental franchises of a people equal to the whole inhabitants of several respectable kingdoms and states. . . . This way of proscribing men by whole nations, as it were, from all the benefits of the constitution to which they were born, I never can believe to be politic or expedient, much less necessary for the existence of any state or church in the world. . . .

Recollect, my dear friend, that it was a fundamental principle in the French monarchy, whilst it stood, that the state should be Catholic; yet the Edict of Nantes gave, not a full ecclesiastical, but a complete civil *establishment*, with places of which only they were capable, to the Calvinists of France; and there were very few employments, indeed, of which they were not capable. The world praised the Cardinal de Richelieu, who took the first opportunity to strip them of their fortified places and cautionary towns. The same world held and does hold in execration (so far as that business is concerned) the memory of Louis the Fourteenth, for the total repeal of that favorable edict; though the talk of "fundamental laws, established religion, religion of the prince, safety to the state," &c., &c., was then as largely held, and with as bitter a revival of the animosities of the civil confusions during the struggles between the parties, as now they can be in Ireland.

Perhaps there are persons who think that the same reason does not hold when the religious relation of the sovereign and subject is changed; but they who have their shop full of false weights and measures, and who imagine that the adding or taking away the name of Protestant or Papist, Guelph or Ghibelline, alters all the principles of equity, policy, and prudence, leave us no common data upon which we can reason. I therefore pass by all this, which on you will make no impression, to come to what seems to be a serious consideration in your mind: I mean

the dread you express of "reviewing, for the purpose of altering, the *principles of the Revolution*" This is an interesting topic, on which I will, as fully as your leisure and mine permits, lay before you the ideas I have formed.

1688: "*Not a Revolution but a Conquest in Ireland*"

First, I cannot possibly confound in my mind all the things which were done at the Revolution with the *principles* of the Revolution. As in most great changes, many things were done from the necessities of the time, well or ill understood, from passion or from vengeance, which were not only not perfectly agreeable to its principles, but in the most direct contradiction to them. . . . This I am sure is true relatively to England (where the operation of these *anti-principles* comparatively were of little extent); and some of our late laws, in repealing acts made immediately after the Revolution, admit that some things then done were not done in the true spirit of the Revolution. But the Revolution operated differently in England and Ireland, in many, and these essential particulars.

. . . In England it was the struggle of the *great body* of the people for the establishment of their liberties, against the efforts of a very *small faction*, who would have oppressed them. In Ireland it was the establishment of the power of the smaller number, at the expense of the civil liberties and properties of the far greater part, and at the expense of the political liberties of the whole. It was, to say the truth, not a revolution, but a conquest: which is not to say a great deal in its favor. To insist on everything done in Ireland at the Revolution would be to insist on the severe and jealous policy of a conqueror, in the crude settlement of his new acquisition, as a *permanent* rule for its future government. This no power, in no country that ever I heard of, has done or professed to do—except in Ireland; where it is done, and possibly by some people will be professed. . . . The whole spirit of the Revolution in Ireland was that of not the mildest conqueror. In truth, the spirit of those proceedings did not commence at that era, nor was religion of any kind their primary object. What was done was not in the spirit of a contest between two religious factions, but between two adverse nations. The statutes of Kilkenny<sup>9</sup> show that the spirit of the

<sup>9</sup> In 1367, during the reign of Edward III, his son, Lionel Duke of Clarence, gathered a parliament of English colonists in Ireland. This parliament passed the Statutes of Kilkenny which defined relations between the two nations. Within the "Pale," English laws and customs

Popery laws, and some even of their actual provisions, as applied between Englishry and Irishry, had existed in that harassed country before the words *Protestant* and *Papist* were heard of in the world. If we read Baron Finglas, Spenser, and Sir John Davies, we cannot miss the true genius and policy of the English government there before the Revolution, as well as during the whole reign of Queen Elizabeth. Sir John Davies<sup>10</sup> boasts of the benefits received by the natives, by extending to them the English law, and turning the whole kingdom into shire ground. But the appearance of things alone was changed. The original scheme was never deviated from for a single hour. Unheard-of confiscations were made in the northern parts, upon grounds of plots and conspiracies, never proved upon their supposed authors. The war of chicane succeeded to the war of arms and of hostile statutes, and a regular series of operations was carried on, particularly from Chichester's time,<sup>11</sup> in the ordinary courts of justice, and by special commissions and inquisitions — first under pretense of tenures, and then of titles in the crown, for the purpose of the total extirpation of the interest of the natives in their own soil — until this species of subtle ravage, being carried to the last excess of oppression and insolence under Lord Strafford,<sup>12</sup> it kindled the flames of that rebellion which broke out in 1641. By the issue of that war, by the turn which the Earl of Clarendon gave to things at the Restoration, and by the total reduction of the kingdom of Ireland in 1691, the ruin of the native Irish, and, in a great measure, too, of the first races of the English, was completely accomplished. The new English interest was settled with as solid a stability as anything in human affairs can look for. All the penal laws of that unparalleled code of oppression, which were made after the last event, were manifestly the effects of national hatred and scorn towards a conquered people, whom the victors delighted to trample upon and were not at all afraid to provoke. They were not the effect of their fears, but of their security. They who carried on this system looked to the irresistible force of Great Britain for their support in their acts of power. They were quite certain that no complaints of the natives would be heard on this side of the were to prevail, beyond that the Irish were to be left to themselves, communications between the two peoples being cut off as much as possible.

<sup>10</sup> English statesman and poet, 1569–1626.

<sup>11</sup> Arthur, Lord Chichester (1563–1625), lord-deputy of Ireland under James I.

<sup>12</sup> Charles I's viceroy (lord-deputy) in Ireland, 1633–9.

water with any other sentiments than those of contempt and indignation. . . . Whilst that temper prevailed (and it prevailed in all its force to a time within our memory), every measure was pleasing and popular just in proportion as it tended to harass and ruin a set of people who were looked upon as enemies to God and man, and, indeed, as a race of bigoted savages who were a disgrace to human nature itself.

### *The Irish Revolution of 1782*

However, as the English in Ireland began to be domesticated, they began also to recollect that they had a country. The *English interest*, at first by faint and almost insensible degrees, but at length openly and avowedly, became an *independent Irish interest*—full as independent as it could ever have been if it had continued in the persons of the native Irish; and it was maintained with more skill and more consistency than probably it would have been in theirs. With their views, the *Anglo-Irish* changed their maxims: it was necessary to demonstrate to the whole people that there was something, at least, of a common interest, combined with the independency, which was to become the object of common exertions. The mildness of government produced the first relaxation towards the Irish; the necessities, and, in part, too, the temper that predominated at this great change, produced the second and the most important of these relaxations. English government and Irish legislature felt jointly the propriety of this measure. The Irish Parliament and nation became independent.

The true revolution to you, that which most intrinsically and substantially resembled the English Revolution of 1688, was the Irish Revolution of 1782. . . .

Great Britain, finding the *Anglo-Irish* highly animated with a spirit which had indeed shown itself before, though with little energy and many interruptions, and therefore suffered a multitude of uniform precedents to be established against it, acted, in my opinion, with the greatest temperance and wisdom. She saw that the disposition of the *leading part* of the nation would not permit them to act any longer the part of a *garrison*. She saw that true policy did not require that they ever should have appeared in that character; or if it had done so formerly, the reasons had now ceased to operate. She saw that the Irish of her race were resolved to build their constitution and their politics upon another bottom. With those things under her view, she instantly complied with the whole of your demands, without any

reservation whatsoever. She surrendered that boundless superiority for the preservation of which, and the acquisition, she had supported the English colonies in Ireland for so long a time, and at so vast an expense (according to the standard of those ages) of her blood and treasure.

When we bring before us the matter which history affords for our selection, it is not improper to examine the spirit of the several precedents which are candidates for our choice. Might it not be as well for your statesmen, on the other side of the water, to take an example from this latter and surely more conciliatory revolution, as a pattern for your conduct towards your own fellow-citizens, than from that of 1688, when a paramount sovereignty over both you and them was more loftily claimed and more sternly exerted than at any former or at any subsequent period? . . . You are now asked to give, in some moderate measure, to your fellow-citizens what Great Britain gave to you without any measure at all. Yet, notwithstanding all the difficulties at the time, and the apprehensions which some very well-meaning people entertained, through the admirable temper in which this revolution (or restoration in the nature of a revolution) was conducted in both kingdoms, it has hitherto produced no inconvenience to either; and I trust, with the continuance of the same temper, that it never will. I think that this small, inconsiderable change (relative to an exclusive statute not made at the Revolution), for restoring the people to the benefits from which the green soreness of a civil war had not excluded them, will be productive of no sort of mischief whatsoever. Compare what was done in 1782 with what is wished in 1792; consider the spirit of what has been done at the several periods of reformation; and weigh maturely whether it be exactly true that conciliatory concessions are of good policy only in discussions between nations, but that among descriptions in the same nation they must always be irrational and dangerous. . . .

### *The Qualifications of Catholics for the Franchise*

I do not mean to trouble you with anything to remove the objections, I will not call them arguments, against this measure, taken from a ferocious hatred to all that numerous description of Christians. It would be to pay a poor compliment to your understanding or your heart. . . .

As little shall I detain you with matters that can as little obtain admission into a mind like yours: such as the fear, or pretense of fear, that, in spite of your own power and the trifling

power of Great Britain, you may be conquered by the pope; or that this commodious bugbear (who is of infinitely more use to those who pretend to fear than to those who love him) will absolve his Majesty's subjects from their allegiance, and send over the Cardinal of York<sup>13</sup> to rule you as his viceroy; or that, by the plentitude of his power, he will take that fierce tyrant, the King of the French, out of his jail, and arm that nation (which on all occasions treats his Holiness so very politely) with his bulls and pardons, to invade poor old Ireland, to reduce you to Popery and slavery, and to force the free-born, naked feet of your people into the wooden shoes of that arbitrary monarch. I do not believe that discourses of this kind are held, or that anything like them will be held, by any who walk about without a keeper. . . .

There is another way of taking an objection to this concession, which I admit to be something more plausible, and worthy of a more attentive examination. It is that this numerous class of people is mutinous, disorderly, prone to sedition, and easy to be wrought upon by the insidious arts of wicked and designing men; that, conscious of this, the sober, rational, and wealthy part of that body, who are totally of another character, do by no means desire any participation for themselves, or for anyone else of their description, in the franchises of the British constitution.

I have great doubt of the exactness of any part of this observation. But let us admit that the body of the Catholics are prone to sedition (of which, as I have said, I entertain much doubt), is it possible that any fair observer or fair reasoner can think of confining this description to them only? I believe it to be possible for men to be mutinous and seditious who feel no grievance, but I believe no man will assert seriously that when people are of a turbulent spirit, the best way to keep them in order is to furnish them with something substantial to complain of.

You separate, very properly, the sober, rational, and substantial part of their description from the rest. You give, as you ought to do, weight only to the former. What I have always thought of the matter is this — that the most poor, illiterate, and uninformed creatures upon earth are judges of a *practical* oppression. It is a matter of feeling; and as such persons generally have felt most of it, and are not of an over-lively sensibility, they are the best judges of it. But for *the real cause*, or *the appropriate*

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<sup>13</sup> Henry Benedict Stuart, Cardinal Duke of York (1725-1807), last male heir of direct Stuart line and Bishop of Frascati from 1761 to his death.

*remedy*, they ought never to be called into council about the one or the other. They ought to be totally shut out; because their reason is weak; because, when once roused, their passions are ungoverned; because they want information; because the smallness of the property which individually they possess renders them less attentive to the consequence of the measures they adopt in affairs of moment. When I find a great cry amongst the people who speculate little, I think myself called seriously to examine into it, and to separate the real cause from the ill effects of the passion it may excite, and the bad use which artful men may make of an irritation of the popular mind. Here we must be aided by persons of a contrary character; we must not listen to the desperate or the furious; but it is therefore necessary for us to distinguish who are the *really* indigent and the *really* intemperate. As to the persons who desire this part in the constitution, I have no reason to imagine that they are men who have nothing to lose and much to look for in public confusion. . . .

The object pursued by the Catholics is, I understand, and have all along reasoned as if it were so, in some degree or measure to be again admitted to the franchises of the constitution. Men are considered as under some derangement of their intellects when they see good and evil in a different light from other men—when they choose nauseous and unwholesome food, and reject such as to the rest of the world seems pleasant and is known to be nutritive. I have always considered the British constitution not to be a thing in itself so vicious as that none but men of deranged understanding and turbulent tempers could desire a share in it; on the contrary, I should think very indifferently of the understanding and temper of any body of men who did not wish to partake of this great and acknowledged benefit. . . .

As to the means which the Catholics employ to obtain this object, so worthy of sober and rational minds, I do admit that such means may be used in the pursuit of it as may make it proper for the legislature, in this case, to defer their compliance until the demandants are brought to a proper sense of their duty. A concession in which the governing power of our country loses its dignity is dearly bought even by him who obtains his object. All the people have a deep interest in the dignity of Parliament. But as the refusal of franchises which are drawn out of the first vital stamina of the British constitution is a very serious thing, we ought to be very sure that the manner and spirit of the application is *offensive and dangerous* indeed before we ultimately re-



ject all applications of this nature. The mode of application, I hear, is by petition. It is the manner in which all the sovereign powers of the world are approached; and I never heard (except in the case of James the Second) that any prince considered this manner of supplication to be contrary to the humility of a subject or to the respect due to the person or authority of the sovereign. . . .

### *A Question of Prudence, Not of Right*

The whole question comes before Parliament as a matter for its prudence. I do not put the thing on a question of right. That discretion, which in judicature is well said by Lord Coke<sup>14</sup> to be a crooked cord, in legislature is a golden rule. Supplicants ought not to appear too much in the character of litigants. If the subject thinks so highly and reverently of the sovereign authority as not to claim anything of right, so that it may seem to be independent of the power and free choice of its government; and if the sovereign, on his part, considers the advantages of the subjects as their right, and all their reasonable wishes as so many claims; in the fortunate conjunction of these mutual dispositions are laid the foundations of a happy and prosperous commonwealth. For my own part, desiring of all things that the authority of the legislature under which I was born, and which I cherish, not only with a dutiful awe, but with a partial and cordial affection, to be maintained in the utmost possible respect, I never will suffer myself to suppose that at bottom their discretion will be found to be at variance with their justice.

The whole being at discretion, I beg leave just to suggest some matters for your consideration: whether the government in church or state is likely to be more secure by continuing causes of grounded discontent to a very great number (say two millions) of the subjects? or whether the Constitution, combined and balanced as it is, will be rendered more solid by depriving so large a part of the people of all concern or interest or share in its representation, actual or *virtual*? I here mean to lay an emphasis on the word *virtual*. Virtual representation is that in which there is a communion of interests and a sympathy in feelings and desires between those who act in the name of any description of people and the people in whose name they act, though the trustees are not actually chosen by them. This is virtual representation. Such a representation I think to be in many cases even better than the actual. It possesses most of its advantages, and is free from many

<sup>14</sup> See above, p. 186n.

of its inconveniences; it corrects the irregularities in the literal representation, when the shifting current of human affairs or the acting of public interests in different ways carry it obliquely from its first line of direction. The people may err in their choice; but common interest and common sentiment are rarely mistaken. But this sort of virtual representation cannot have a long or sure existence if it has not a substratum in the actual. The member must have some relation to the constituent. As things stand, the Catholic, as a Catholic, and belonging to a description, has no *virtual* relation to the representative—but the *contrary*. There is a relation in mutual obligation. Gratitude may not always have a very lasting power; but the frequent recurrence of an application for favors will revive and refresh it, and will necessarily produce some degree of mutual attention. It will produce, at least, acquaintance. The several descriptions of people will not be kept so much apart as they now are, as if they were not only separate nations, but separate species. The stigma and reproach, the hideous mask will be taken off, and men will see each other as they are. Sure I am that there have been thousands in Ireland who have never conversed with a Roman Catholic in their whole lives, unless they happened to talk to their gardener's workmen, or to ask their way, when they had lost it in their sports; or, at best, who had known them only as footmen, or other domestics, of the second and third order; and so averse were they, some time ago, to have them near their persons that they would not employ even those who could never find their way beyond the stable. . . .

Reduced to a question of discretion, and that discretion exercised solely upon what will appear best for the conservation of the state on its present basis, I should recommend it to your serious thoughts whether the narrowing of the foundation is always the best way to secure the building? The body of disfranchised men will not be perfectly satisfied to remain always in that state. If they are not satisfied, you have two millions of subjects in your bosom full of uneasiness; not that they cannot overturn the Act of Settlement, and put themselves and you under an arbitrary master; or that they are not permitted to spawn a hydra of wild republics, on principles of a pretended natural equality in man; but because you will not suffer them to enjoy the ancient, fundamental, tried advantages of a British constitution: that you will not permit them to profit of the protection of a common father or the freedom of common citizens, and that the only reason which can be assigned for this disfranchisement has a tendency more deeply to ulcerate their minds than the act of exclusion

itself. What the consequence of such feelings must be it is for you to look to. To warn is not to menace.

I am far from asserting that men will not excite disturbances without just cause. I know that such an assertion is not true. But neither is it true that disturbances have never just complaints for their origin. I am sure that it is hardly prudent to furnish them with such causes of complaint as every man who thinks the British constitution a benefit may think at least colorable and plausible. . . .

Think whether this be the way to prevent or dissolve factious combinations against the church or the state. Reflect seriously on the possible consequences of keeping in the heart of your country a bank of discontent, every hour accumulating, upon which every description of seditious men may draw at pleasure. They whose principles of faction will dispose them to the establishment of an arbitrary monarchy will find a nation of men who have no sort of interest in freedom, but who will have an interest in that equality of justice or favor with which a wise despot must view all his subjects who do not attack the foundations of his power. Love of liberty itself may, in such men, become the means of establishing an arbitrary domination. On the other hand, they who wish for a democratic republic will find a set of men who have no choice between civil servitude and the entire ruin of a mixed constitution. . . .

You mention that the minds of some gentlemen are a good deal heated, and that it is often said that, rather than submit to such persons' having a share in their franchises, they would throw up their independence, and precipitate a union with Great Britain. I have heard a discussion concerning such a union amongst all sorts of men ever since I remember anything. . . . As far as I can form an opinion, it would not be for the mutual advantage of the two kingdoms. Persons, however, more able than I am think otherwise. But whatever the merits of this union may be, to make it a *menace*, it must be shown to be an *evil*, and an evil more particularly to those who are threatened with it than to those who hold it out as a terror. I really do not see how this threat of a union can operate, or that the Catholics are more likely to be losers by that measure than the churchmen.<sup>15</sup>

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<sup>15</sup> Union came in 1800 when the Irish Parliament was fused with the English Parliament in the United Kingdom of Great Britain and Ireland. But Catholic emancipation — i.e., the removal of disabilities which prevented Catholics from sitting in Parliament and holding offices under the crown — was not accomplished until 1829.

The humors of the people, and of politicians too, are so variable in themselves, and are so much under the occasional influence of some leading men, that it is impossible to know what turn the public mind here would take on such an event. There is but one thing certain concerning it. Great divisions and vehement passions would precede this union, both on the measure itself and on its terms; and particularly, this very question of a share in the representation for the Catholics, from whence the project of a union originated, would form a principal part in the discussion; and in the temper in which some gentlemen seem inclined to throw themselves, by a sort of high, indignant passion, into the scheme, those points would not be deliberated with all possible calmness.

From my best observation, I should greatly doubt whether, in the end, these gentlemen would obtain their object, so as to make the exclusion of two millions of their countrymen a fundamental article in the union. The demand would be of a nature quite unprecedented. You might obtain the union; and yet a gentleman who, under the new union establishment, would aspire to the honor of representing his county might possibly be as much obliged as he may fear to be under the old separate establishment to the unsupportable mortification of asking his neighbors who have a different opinion concerning the elements in the sacrament for their votes.

I believe, nay, I am sure, that the people of Great Britain, with or without a union, might be depended upon, in cases of any real danger, to aid the government of Ireland, with the same cordiality as they would support their own, against any wicked attempts to shake the security of the happy constitution in church and state. But before Great Britain engages in any quarrel, the *cause of the dispute* would certainly be a part of her consideration. If confusions should arise in that kingdom from too steady an attachment to a proscriptive, monopolizing system, and from the resolution of regarding the franchise, and in it the security of the subject, as belonging rather to religious opinions than to civil qualification and civil conduct, I doubt whether you might quite certainly reckon on obtaining an aid of force from hence for the support of that system. We might extend your distractions to this country by taking part in them. England will be indisposed, I suspect, to send an army for the conquest of Ireland. What was done in 1782 is a decisive proof of her sentiments of justice and moderation. She will not be fond of making another American war in Ireland. The principles of such a war would but too much resemble the former one. The well-disposed and the ill-disposed

in England would (for different reasons perhaps) be equally averse to such an enterprise. . . .

### *A Prudent Enfranchisement of Catholics Is Urged*

Let us form a supposition (no foolish or ungrounded supposition) that, in an age when men are infinitely more disposed to heat themselves with political than religious controversies, the former should entirely prevail, as we see that in some places they have prevailed, over the latter — and that the Catholics of Ireland, from the courtship paid them on the one hand, and the high tone of refusal on the other, should, in order to enter into all the rights of subjects, all become Protestant Dissenters, and, as the others do, take all your oaths. They would all obtain their civil objects; and the change, for anything I know to the contrary (in the dark as I am about the Protestant Dissenting tenets), might be of use to the health of their souls. But what security our constitution, in church or state, could derive from that event, I cannot possibly discern. Depend upon it, it is as true as nature is true that if you force them out of the religion of habit, education, or opinion, it is not to yours they will ever go. Shaken in their minds, they will go to that where the dogmas are fewest; where they are the most uncertain; where they lead them the least to a consideration of what they have abandoned. They will go to that uniformly democratic system to whose first movements they owed their emancipation. I recommend you seriously to turn this in your mind. Believe that it requires your best and maturest thoughts. . . .

It is a consideration of great moment that you make the desired admission without altering the system of your representation in the smallest degree or in any part. You may leave that deliberation of a parliamentary change or reform, if ever you should think fit to engage in it, uncomplicated and unembarrassed with the other question. Whereas if they are mixed and confounded, as some people attempt to mix and confound them, no one can answer for the effects on the constitution itself.

There is another advantage in taking up this business singly and by an arrangement for the single object. It is that you may proceed by *degrees*. We must all obey the great law of change. It is the most powerful law of nature, and the means perhaps of its conservation. All we can do, and that human wisdom can do, is to provide that the change shall proceed by insensible degrees. This has all the benefits which may be in change, without any of the inconveniences of mutation. Everything is provided for as it

arrives. This mode will, on the one hand, prevent the *unfixing old interests at once*: a thing which is apt to breed a black and sullen discontent in those who are at once dispossessed of all their influence and consideration. This gradual course, on the other side, will prevent men long under depression from being intoxicated with a large draught of new power, which they always abuse with a licentious insolence. . . .

It is one excellence of our constitution that all our rights of provincial election regard rather property than person. It is another that the rights which approach more nearly to the personal are most of them corporate, and suppose a restrained and strict education of seven years in some useful occupation. In both cases the practice may have slid from the principle. The standard of qualification in both cases may be so low, or not so judiciously chosen, as in some degree to frustrate the end. But all this is for your prudence in the case before you. You may rise a step or two the qualification of the Catholic voters. But if you were tomorrow to put the Catholic freehold on the footing of the most favored forty-shilling Protestant Dissenter, you know that, such is the actual state of Ireland, this would not make a sensible alteration in almost any *one* election in the kingdom.<sup>16</sup> The effect in their favor, even defensively, would be infinitely slow. But it would be healing; it would be satisfactory and protecting. The stigma would be removed. By admitting settled, permanent substance in lieu of the numbers, you would avoid the great danger of our time, that of setting up number against property. The numbers ought never to be neglected, because (besides what is due to them as men) collectively, though not individually, they have great property; they ought to have, therefore, protection; they ought to have security; they ought to have even consideration; but they ought not to predominate.

### *The Example of Canada*

My dear Sir, I have nearly done. I meant to write you a long letter: I have written a long dissertation. I might have done it earlier and better. I might have been more forcible and more clear if I had not been interrupted as I have been; and this obliges me not to write to you in my own hand. Though my hand but signs it, my heart goes with what I have written. Since I could think at all, those have been my thoughts. You know that thirty-two years ago they were as fully matured in my mind as

<sup>16</sup> This prophecy proved correct down to the rise of O'Connell's Catholic Association in the 1820's.

they are now. . . . Time has more and more confirmed me in them all. The present circumstances fix them deeper in my mind.

I voted last session, if a particular vote could be distinguished in unanimity, for an establishment of the Church of England *conjointly* with the establishment, which was made some years before by act of Parliament,<sup>17</sup> of the Roman Catholic in the French conquered country of Canada. At the time of making this English ecclesiastical establishment, we did not think it necessary for its safety to destroy the former Gallican Church settlement. In our first act we settled a government altogether monarchical, or nearly so. In that system the Canadian Catholics were far from being deprived of the advantages or distinctions, of any kind, which they enjoyed under their former monarchy. It is true that some people, and amongst them one eminent divine, predicted at that time that by this step we should lose our dominions in America. He foretold that the pope would send his indulgences hither; that the Canadians would fall in with France, would declare independence, and draw or force our colonies into the same design. The independence happened according to his prediction; but in directly the reverse order. All our English Protestant colonies revolted. They joined themselves to France; and it so happened that popish Canada was the only place which preserved its fidelity, the only place in which France got no footing, the only peopled colony which now remains to Great Britain. Vain are all the prognostics taken from ideas and passions, which survive the state of things which gave rise to them. When last year we gave a popular representation to the same Canada by the choice of the landholders, and an aristocratic representation at the choice of the crown, neither was the choice of the crown nor the election of the landholders limited by a consideration of religion. We had no dread for the Protestant church which we settled there, because we permitted the French Catholics, in the utmost latitude of the description, to be free subjects. They are good subjects, I have no doubt; but I will not allow that any French Canadian Catholics are better men or better citizens than the Irish of the same communion. . . . I should not know how to show my face, here or in Ireland, if I should say that all the pagans, all the

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<sup>17</sup> The famous Quebec Act of 1774. In 1791 an act was passed separating Upper Canada, now with a mainly English population, from French Lower Canada. Representative institutions were established in each, but executive councils and governors were nominated by the crown.

Mussulmans, and even all the Papists (since they must form the highest stage in the climax of evil) are worthy of a liberal and honorable condition, except those of one of the descriptions, which forms the majority of the inhabitants of the country in which you and I were born. . . .

You hated the old system as early as I did. Your first juvenile lance was broken against that giant. . . . You abhorred it, as I did, for its vicious perfection. For I must do it justice: it was a complete system, full of coherence and consistency, well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement, in them, of human nature itself, as ever proceeded from the perverted ingenuity of man. . . . My opinion ever was (in which I heartily agree with those that admired the old code) that it was so constructed that if there was once a breach in any essential part of it, the ruin of the whole, or nearly of the whole, was, at some time or other, a certainty. For that reason I honor and shall forever honor and love you, and those who first caused it to stagger, crack, and gape. . . .

## 2. *The Protestant Ascendency*

¶ In 1792, as British relations with France worsened and the political temper of Ireland grew more turbulent, Prime Minister Pitt and his cabinet colleagues at London urged the Irish government to support the enfranchisement of Catholics on grounds of justice and expediency. The lord-lieutenant of Ireland (the Earl of Westmorland) thought such a policy imprudent and King George detested the proposed step. It was strongly opposed by powerful interests in the Irish Parliament and the Dublin Castle administration. But Pitt was insistent and the Irish government yielded, throwing its support to a bill that was carried in 1793. It granted Catholics the right to vote in parliamentary elections and abolished some lesser disabilities of long standing. But they were still excluded from sitting in Parliament and from all important offices of state; so that, while political power was conferred on many poor and ignorant Catholics, the Catholic gentry of Ireland — a loyal, conservative, and anti-Jacobin body — were debarred from exercising a leading influence among them. Half-measure that it was, the bill was bitterly fought by those who were determined to maintain what now came to be called the *Protestant Ascendency*.



Burke was convinced that this was an attitude of reckless and unprincipled reaction that must play into the hands of Jacobin revolutionaries. It was not a defense of positive religious doctrines, but purely negative—"a persecution of religion itself." At some time in 1793 he set forth his views on this subject in a letter to his son.<sup>18</sup> ¶

. . . This system, in its real nature, and under its proper appellations, is odious and unnatural, especially when a constitution is admitted which not only, as all constitutions do profess, has a regard to the good of the multitude, but in its theory makes profession of their power also. . . . A word has been lately struck in the mint of the Castle of Dublin; thence it was conveyed to the Tholsel, or city hall, where, having passed the touch of the corporation, so respectably stamped and vouched, it soon became current in Parliament, and was carried back by the Speaker of the House of Commons in great pomp, as an offering of homage from whence it came. The word is *ascendency*. . . .

The word is large enough in its comprehension. I cannot conceive what mode of oppression in civil life, or what mode of religious persecution, may not come within the methods of preserving an *ascendency*. In plain old English, as they apply it, it signifies *pride and dominion* on the one part of the relation, and on the other *subserviency and contempt*—and it signifies nothing else. . . .

This ascendency, by being a *Protestant* ascendency, does not better it from the combination of a note or two more in this anti-harmonic scale. If Protestant ascendency means the proscription from citizenship of by far the major part of the people of any country, then Protestant ascendency is a bad thing, and it ought to have no existence. But there is a deeper evil. By the use that is so frequently made of the term, and the policy which is engrafted on it, the name Protestant becomes nothing more or better than the name of a persecuting faction, with a relation of some sort of theological hostility to others, but without any sort of ascertained tenets of its own upon the ground of which it persecutes other men: for the patrons of this Protestant ascendency neither do nor can, by anything positive, define or describe what they mean by the word Protestant. It is defined, as Cowley defines wit, not by what it is, but by what it is not. It is not the Christian religion as professed in the churches holding communion with Rome, the majority of Christians: that is all which, in the latitude of the

<sup>18</sup> Works, VI, 387-412.

term, is known about its signification. This makes such persecutors ten times worse than any of that description that hitherto have been known in the world. The old persecutors, whether pagan or Christian, whether Arian or Orthodox, whether Catholics, Anglicans, or Calvinists, actually were, or at least had the decorum to pretend to be, strong dogmatists. They pretended that their religious maxims were clear and ascertained, and so useful that they were bound, for the eternal benefit of mankind, to defend or diffuse them, though by any sacrifices of the temporal good of those who were the objects of their system of experiment.

The bottom of this theory of persecution is false. It is not permitted to us to sacrifice the temporal good of any body of men to our own ideas of the truth and falsehood of any religious opinions. By making men miserable in this life, they counteract one of the great ends of charity, which is, in as much as in us lies, to make men happy in every period of their existence, and most in what most depends upon us. But give to these old persecutors their mistaken principle, in their reasoning they are consistent, and in their tempers they may be even kind and good-natured. But whenever a faction would render millions of mankind miserable, some millions of the race coexistent with themselves, and many millions in their succession, without knowing or so much as pretending to ascertain the doctrines of their own school (in which there is much of the lash and nothing of the lesson), the errors which the persons in such a faction fall into are not those that are natural to human imbecility, nor is the least mixture of mistaken kindness to mankind an ingredient in the severities they inflict. The whole is nothing but pure and perfect malice. It is, indeed, a perfection in that kind belonging to beings of a higher order than man, and to them we ought to leave it.

This kind of persecutors without zeal, without charity, know well enough that religion, to pass by all questions of the truth or falsehood of any of its particular systems (a matter I abandon to the theologians on all sides), is a source of great comfort to us mortals, in this our short but tedious journey through the world. They know that, to enjoy this consolation, men must believe their religion upon some principle or other, whether of education, habit, theory, or authority. When men are driven from any of those principles on which they have received religion, without embracing with the same assurance and cordiality some other system, a dreadful void is left in their minds, and a terrible shock is given to their morals. They lose their guide, their comfort,

their hope. None but the most cruel and hard-hearted of men, who had banished all natural tenderness from their minds, such as those beings of iron, the atheists, could bring themselves to any persecution like this. . . .

The harsh methods in use with the old class of persecutors were to make converts, not apostates only. If they perversely hated other sects and factions, they loved their own inordinately. But in this Protestant persecution there is anything but benevolence at work. What do the Irish statutes? They do not make a conformity to the *established* religion, and to its doctrines and practices, the condition of getting out of servitude. No such thing. Let three millions of people but abandon all that they and their ancestors have been taught to believe sacred, and to forswear it publicly in terms the most degrading, scurrilous, and indecent for men of integrity and virtue, and to abuse the whole of their former lives, and to slander the education they have received, and nothing more is required of them. There is no system of folly, or impiety, or blasphemy, or atheism into which they may not throw themselves, and which they may not profess openly, and as a system, consistently with the enjoyment of all the privileges of a free citizen in the happiest constitution in the world.

Some of the unhappy assertors of this strange scheme say they are not persecutors on account of religion. In the first place, they say what is not true. For what else do they disfranchise the people? If the man gets rid of a religion through which their malice operates, he gets rid of all their penalties and incapacities at once. They never afterwards inquire about him. I speak here of their pretexts, and not of the true spirit of the transaction, in which religious bigotry, I apprehend, has little share. Every man has his taste; but I think, if I were so miserable and undone as to be guilty of premeditated and continued violence towards any set of men, I had rather that my conduct was supposed to arise from wild conceits concerning their religious advantages than from low and ungenerous motives relative to my own selfish interest. I had rather be thought insane in my charity than rational in my malice. This much, my dear son, I have to say of this Protestant persecution — that is, a persecution of religion itself.

A very great part of the mischiefs that vex the world arises from words. People soon forget the meaning, but the impression and the passion remain. The word Protestant is the charm that locks up in the dungeon of servitude three millions of your people. It is not amiss to consider this spell of potency, this *abracadabra*, that is hung about the necks of the unhappy, not to heal,

but to communicate disease. We sometimes hear of a Protestant *religion*, frequently of a Protestant *interest*. We hear of the latter the most frequently, because it has a positive meaning. The other has none. We hear of it the most frequently because it has a word in the phrase which, well or ill understood, has animated to persecution and oppression at all times infinitely more than all the dogmas in dispute between religious factions. These are, indeed, well formed to perplex and torment the intellect, but not half so well calculated to inflame the passions and animosities of men.

I do readily admit that a great deal of the wars, seditions, and troubles of the world did formerly turn upon the contention between *interests* that went by the names of Protestant and Catholic. But I imagined that at this time no one was weak enough to believe, or impudent enough to pretend, that questions of Popish and Protestant opinions or interest are the things by which men are at present menaced with crusades by foreign invasion, or with seditions which shake the foundations of the state at home. It is long since all this combination of things has vanished from the view of intelligent observers. The existence of quite another system of opinions and interests is now plain to the grossest sense. Are these the questions that raise a flame in the minds of men at this day? If ever the church and the constitution of England should fall in these islands (and they will fall together), it is not Presbyterian discipline nor Popish hierarchy that will rise upon their ruins. It will not be the Church of Rome nor the Church of Scotland, not the Church of Luther nor the Church of Calvin. On the contrary, all these churches are menaced, and menaced alike. It is the new fanatical religion, now in the heat of its first ferment, of the Rights of Man, which rejects all establishments, all discipline, all ecclesiastical, and in truth all civil order, which will triumph, and which will lay prostrate your church, which will destroy your distinctions, and which will put all your properties to auction, and disperse you over the earth. If the present establishment should fall, it is this religion which will triumph in Ireland and in England, as it has triumphed in France. This religion, which laughs at creeds and dogmas and confessions of faith, may be fomented equally amongst all descriptions and all sects—amongst nominal Catholics, and amongst nominal Churchmen, and amongst those Dissenters who know little and care less about a presbytery, or any of its discipline, or any of its doctrine. Against this new, this growing, this exterminatory system all these churches have a common concern to defend themselves. How the enthusiasts of this rising sect rejoice to see you of the old churches

play their game, and stir and rake the cinders of animosities sunk in their ashes, in order to keep up the execution of their plan for your common ruin! . . .

### 3. *Catholicism and Jacobinism in Ireland*

¶ After his breach with Fox and the Whigs, the march of events had carried Burke across the floor of the House of Commons to a seat on the Treasury bench as a supporter of Pitt's government. In the summer of 1794 the more conservative Whigs, led by the Duke of Portland and Earl Fitzwilliam — old friends of Burke who had agreed with him in principle even at the time of the breach — entered a new coalition government headed by Pitt. As the crisis occasioned by the rise of the United Irishmen became steadily more acute, simultaneously with the decline of British fortunes in the war against France, Pitt became more inclined to support the generous program for Irish Catholics which Burke had so long advocated. At the end of the year he sent a new lord-lieutenant to Ireland: Earl Fitzwilliam, nephew and heir of Rockingham. Fitzwilliam inherited not only Rockingham's fortune but also his temper, traditions, and political friendships. For seventeen years he had been under Burke's political tutelage and he shared Burke's general views of Ireland and the Catholic question. When he reached Dublin in January 1795, hopes were high in Grattan and other enlightened liberal Protestants, as well as in spokesmen for Catholic interests, that full Catholic emancipation was about to be achieved. It seemed indispensable for upholding the existing constitutional order in an hour of the greatest danger.

Burke was now in retirement from public life. He had given up his seat in Parliament the previous summer, and was permanently grief-stricken by the death of his only son, Richard, in 1794. But instead of laying down his pen, he devoted it tirelessly and almost exclusively to a literary war against Jacobinism and the political imbecilities of conservatives who unwittingly promoted the Revolution. He saw folly universally dominant in the cabinets of states at war with France, and he regarded the behavior of those in Ireland who opposed the wisdom of Grattan and Fitzwilliam as of a piece with this folly. On January 29, 1795 he wrote to Mr. William Smith,<sup>19</sup> a member of the Irish House of Commons who had solicited his counsel. He urged removal of all political disqualifications from Irish Catholics, declared Catholi-

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<sup>19</sup> Works, VI, 363-73.

cism to be "the most effectual barrier" against Jacobinism, and recommended a fraternal union of all Christians against this danger. ¶

. . . My whole politics, at present, center in one point, and to this the merit or demerit of every measure (with me) is referable: that is, what will most promote or depress the cause of Jacobinism. What is Jacobinism? It is an attempt (hitherto but too successful) to eradicate prejudice out of the minds of men, for the purpose of putting all power and authority into the hands of the persons capable of occasionally enlightening the minds of the people. For this purpose the Jacobins have resolved to destroy the whole frame and fabric of the old societies of the world, and to regenerate them after their fashion. To obtain an army for this purpose, they everywhere engage the poor by holding out to them as a bribe the spoils of the rich. This I take to be a fair description of the principles and leading maxims of the enlightened of our day who are commonly called Jacobins.

As the grand prejudice, and that which holds all the other prejudices together, the first, last, and middle object of their hostility is religion. With that they are at inexpiable war. They make no distinction of sects. A Christian, as such, is to them an enemy. What, then, is left to a real Christian (Christian as a believer and as a statesman) but to make a league between all the grand divisions of that name, to protect and to cherish them all, and by no means to proscribe in any manner, more or less, any member of our common party? The divisions which formerly prevailed in the church, with all their overdone zeal, only purified and ventilated our common faith, because there was no common enemy arrayed and embattled to take advantage of their dissensions; but now nothing but inevitable ruin will be the consequence of our quarrels. I think we may dispute, rail, persecute, and provoke the Catholics out of their prejudices; but it is not in ours they will take refuge. If anything is, one more than another, out of the power of man, it is to *create* a prejudice. Somebody has said that a king may make a nobleman, but he cannot make a gentleman.

All the principal religions in Europe stand upon one common bottom. The support that the whole or the favored parts may have in the secret dispensations of Providence it is impossible to tell; but, humanly speaking, they are all *prescriptive* religions. They have all stood long enough to make prescription and its chain of

legitimate prejudices their main stay. The people who compose the four grand divisions of Christianity <sup>20</sup> have now their religion as a habit, and upon authority, and not on disputation; as all men who have their religion derived from their parents and the fruits of education *must* have it, however the one more than the other may be able to reconcile his faith to his own reason or to that of other men. Depend upon it, they must all be supported or they must all fall in the crash of a common ruin. The Catholics are the far more numerous part of the Christians in your country; and how can Christianity (that is now the point in issue) be supported under the persecution, or even under the discountenance, of the greater number of Christians? It is a great truth, and which in one of the debates I stated as strongly as I could to the House of Commons in the last session, that if the Catholic religion is destroyed by the infidels, it is a most contemptible and absurd idea that this, or any Protestant church, can survive that event. Therefore my humble and decided opinion is that all the three religions <sup>21</sup> prevalent more or less in various parts of these islands ought all, in subordination to the legal establishments as they stand in the several countries, to be all countenanced, protected, and cherished, and that in Ireland particularly the Roman Catholic religion should be upheld in high respect and veneration, and should be, in its place, provided with all the means of making it a blessing to the people who profess it; that it ought to be cherished as a good (though not as the most preferable good, if a choice was now to be made) and not tolerated as an inevitable evil. If this be my opinion as to the Catholic religion as a sect, you must see that I must be to the last degree averse to put a man, upon that account, upon a bad footing with relation to the privileges which the fundamental laws of this country give him as a subject. I am the more serious on the positive encouragement to be given to this religion (always, however, as secondary) because the serious and earnest belief and practice of it by its professors forms, as things stand, the most effectual barrier, if not the sole barrier, against Jacobinism. The Catholics form the great body of the lower ranks of your community, and no small part of those classes of the middling that come nearest to them. You know that the seduction of that part of mankind from the principles of religion, morality, subordination, and social order is the great object of the Jacobins. Let them grow lax, skeptical, careless, and indifferent with regard to religion, and, so sure as we have an existence, it is not a zealous

<sup>20</sup> He probably meant Catholic, Anglican, Lutheran, and Calvinist.

<sup>21</sup> Anglican, Presbyterian, and Catholic.

Anglican or Scottish church principle, but direct Jacobinism which will enter into that breach Two hundred years dreadfully spent in experiments to force that people to change the form of their religion have proved fruitless. You have now your choice, for full four fifths of your people, of the Catholic religion or Jacobinism. If things appear to you to stand on this alternative, I think you will not be long in making your option.

You have made, as you naturally do, a very able analysis of powers, and have separated, as the things are separable, civil from political powers. You start, too, a question, whether the civil can be secured without some share in the political. For my part, as abstract questions, I should find some difficulty in an attempt to resolve them. But as applied to the state of Ireland, to the form of our commonwealth, to the parties that divide us, and to the dispositions of the leading men in those parties, I cannot hesitate to lay before you my opinion that whilst any kind of discouragements and disqualifications remain on the Catholics, a handle will be made by a factious power utterly to defeat the benefits of any civil rights they may apparently possess. I need not go to very remote times for my examples. It was within the course of about a twelvemonth that, after Parliament had been led into a step quite unparalleled in its records, after they had resisted all concession, and even hearing, with an obstinacy equal to anything that could have actuated a party domination in the second or eighth of Queen Anne, after the strange adventure of the grand juries, and after Parliament had listened to the sovereign pleading for the emancipation of his subjects—it was after all this that such a grudging and discontent was expressed as must justly have alarmed, as it did extremely alarm, the whole of the Catholic body; and I remember but one period in my whole life (I mean the savage period between 1761 and 1767<sup>22</sup>) in which they have been more harshly or contumeliously treated than since the last partial enlargement.<sup>23</sup> And thus I am convinced it will be, by paroxysms, as long as any stigma remains on them, and whilst they are considered as no better than half citizens. If they are kept such for any length of time, they will be made whole Jacobins. Against this grand and dreadful evil of our time (I do not love to cheat myself or others) I do not know any solid security whatsoever; but I am quite certain that what will come nearest to it is to interest as many as you can in the present order of things, religiously, civilly, politically, by all the ties and

<sup>22</sup> See above, p. 168n

<sup>23</sup> That is, since the enfranchisement of Irish Catholics in 1793.



principles by which mankind are held. This is like to be effectual policy; I am sure it is honorable policy; and it is better to fail, if fail we must, in the paths of direct and manly than of low and crooked wisdom. . . .

#### 4 "This Epidemical Distemper"

¶ Earl Fitzwilliam's desire to effect the full political emancipation of Irish Catholics met unflinching opposition at Dublin Castle. Pitt either could not or dared not challenge the reactionary forces in the Irish administration by backing Fitzwilliam against them. George III was on their side as an implacable opponent of admitting Catholics to equal partnership in the Irish constitution. After less than two months in Dublin, Fitzwilliam was recalled. Grattan and his allies in the Irish House of Commons, lacking support from the Castle, failed to carry their emancipation bill. The Protestant ascendancy was maintained and Catholic flirtation with the United Irishmen increased. Currents were released which flowed on the one hand toward the revolutionary rising of 1798, and on the other toward the extinction of the Irish kingdom through organic union with Britain in 1800.

On May 26, 1795 Burke wrote angry and prophetic words to his friend Sir Hercules Langrishe: <sup>21</sup> ¶

. . . I think I can hardly overrate the malignity of the principles of Protestant ascendancy, as they affect Ireland; or of Indianism, as they affect these countries, and as they affect Asia; or of Jacobinism, as they affect all Europe and the state of human society itself. The last is the greatest evil. But it readily combines with the others, and flows from them. Whatever breeds discontent at this time will produce that great master-mischief most infallibly. Whatever tends to persuade the people that the *few*, called by whatever name you please, religious or political, are of opinion that their interest is not compatible with that of the *many* is a great point gained to Jacobinism. Whatever tends to irritate the talents of a country, which have at all times, and at these particularly, a mighty influence on the public mind, is of infinite service to that formidable cause. . . . Whatever ill-humors are afloat in the state, they will be sure to discharge themselves in a mingled torrent in the *Cloaca Maxima* of Jacobinism. Therefore people ought well to look about them. First, the physicians are to take care that they do nothing to irritate this epidemical dis-

<sup>21</sup> Works, VI, 377-84.

temper. It is a foolish thing to have the better of the patient in a dispute. The complaint or its cause ought to be removed, and wise and lenient arts ought to precede the measures of vigor. They ought to be the *ultima*, not the *prima*, not the *tota* ratio of a wise government. God forbid that, on a worthy occasion, authority should want the means of force, or the disposition to use it! But where a prudent and enlarged policy does not precede it, and attend it too, where the hearts of the better sort of people do not go with the hands of the soldiery, you may call your constitution what you will, in effect it will consist of three parts (orders, if you please) — cavalry, infantry, and artillery — and of nothing else or better. . . .



## X

### A Letter to a Noble Lord

¶ WHEN Burke retired from Parliament in the summer of 1794, he was in difficult financial circumstances. On the advice of Prime Minister Pitt, King George conferred on him a pension of £2,500 annually. The sum was large, but not excessive for an illustrious elder statesman who had served the state for thirty years without materially enriching himself, and who was now the most powerful literary champion of his country's cause in the most dangerous of all its wars. But Burke was not popular; indeed, he was bitterly hated by the revolutionary party in England, and especially by the "appeasement" forces in opposition to Pitt's coalition and the war against Jacobin France. The pension was granted directly by the King without a vote in Parliament, and this fact gave a handle to Burke's detractors.

Toward the end of 1795 the Earl of Lauderdale and the young Duke of Bedford (heir to the Bedford whose "Bloomsbury gang" had done so much to ruin the British Empire from 1763 to 1782) attacked the grant to Burke, as having been made without parliamentary approval and in contravention of Burke's own professed principles as set forth in his economical reform plan of 1780. Burke chose to make a public reply in the form of a letter to his friend Earl Fitzwilliam. To justify his pension he wrote an apologia summarizing his political career. *A Letter to a Noble Lord*<sup>1</sup> is one of the great masterpieces of satirical and ironic repartee. It was almost Burke's valedictory. ¶

My Lord—I could hardly flatter myself with the hope that so very early in the season I should have to acknowledge obligations to the Duke of Bedford and to the Earl of Lauderdale. These noble persons have lost no time in conferring upon me that sort of honor which it is alone within their competence, and which it is certainly most congenial to their nature and their manners, to bestow.

To be ill spoken of, in whatever language they speak, by the

<sup>1</sup> Works, V, 173-229.

zealots of the new sect in philosophy and politics, of which these noble persons think so charitably, and of which others think so justly, to me is no matter of uncasiness or surprise. To have incurred the displeasure of the Duke of Orleans or the Duke of Bedford, to fall under the censure of Citizen Brissot or of his friend the Earl of Lauderdale, I ought to consider as proofs, not the least satisfactory, that I have produced some part of the effect I proposed by my endeavors. I have labored hard to earn what the noble Lords are generous enough to pay. Personal offense I have given them none. The part they take against me is from zeal to the cause. It is well; it is perfectly well. I have to do homage to their justice. I have to thank the Bedfords and the Lauderdale for having so faithfully and so fully acquitted towards me whatever arrear of debt was left undischarged by the Priestleys and the Paines.

Some, perhaps, may think them executors in their own wrong; I at least have nothing to complain of. They have gone beyond the demands of justice. They have been (a little, perhaps, beyond their intention) favorable to me. They have been the means of bringing out by their invectives the handsome things which Lord Grenville<sup>2</sup> has had the goodness and condescension to say in my behalf. Retired as I am from the world, and from all its affairs and all its pleasures, I confess it does kindle in my nearly extinguished feelings a very vivid satisfaction to be so attacked and so commended. It is soothing to my wounded mind to be commended by an able, vigorous, and well-informed statesman, and at the very moment when he stands forth, with a manliness and resolution worthy of himself and of his cause, for the preservation of the person and government of our sovereign, and therein for the security of the laws, the liberties, the morals, and the lives of his people. . . .

In one thing I can excuse the Duke of Bedford for his attack upon me and my mortuary pension: he cannot readily comprehend the transaction he condemns. What I have obtained was the fruit of no bargain, the production of no intrigue, the result of no compromise, the effect of no solicitation. The first suggestion of it never came from me, mediately or immediately, to his Majesty or any of his ministers. It was long known that the instant my engagements would permit it, and before the heaviest of all calamities<sup>3</sup> had forever condemned me to obscurity and

<sup>2</sup> William Wyndham Grenville, Secretary of State for Foreign Affairs since 1791; third son of George Grenville.

<sup>3</sup> The death of his only son in 1794.

sorrow, I had resolved on a total retreat. I had executed that design. I was entirely out of the way of serving or of hurting any statesman or any party, when the ministers so generously and so nobly carried into effect the spontaneous bounty of the crown. Both descriptions have acted as became them. When I could no longer serve them, the ministers have considered my situation. When I could no longer hurt them, the revolutionists have trampled on my infirmity. My gratitude, I trust, is equal to the manner in which the benefit was conferred. . . .

Loose libels ought to be passed by in silence and contempt. By me they have been so always. I knew that, as long as I remained in public, I should live down the calumnies of malice and the judgments of ignorance. If I happened to be now and then in the wrong (as who is not?), like all other men, I must bear the consequence of my faults and my mistakes. The libels of the present day are just of the same stuff as the libels of the past. But they derive an importance from the rank of the persons they come from, and the gravity of the place where they were uttered. In some way or other I ought to take some notice of them. To assert myself thus traduced is not vanity or arrogance. It is a demand of justice; it is a demonstration of gratitude. If I am unworthy, the ministers are worse than prodigal. On that hypothesis, I perfectly agree with the Duke of Bedford . . .

His Grace thinks I have obtained too much. I answer that my exertions, whatever they have been, were such as no hopes of pecuniary reward could possibly excite; and no pecuniary compensation can possibly reward them. Between money and such services, if done by abler men than I am, there is no common principle of comparison: they are quantities incommensurable. Money is made for the comfort and convenience of animal life. It cannot be a reward for what mere animal life must, indeed, sustain, but never can inspire. With submission to his Grace, I have not had more than sufficient. As to any noble use, I trust I know how to employ as well as he a much greater fortune than he possesses. In a more confined application, I certainly stand in need of every kind of relief and easement much more than he does. When I say I have not received more than I deserve, is this the language I hold to Majesty? No! Far, very far, from it! Before that presence I claim no merit at all. Everything towards me is favor and bounty. One style to a gracious benefactor; another to a proud and insulting foe.

His Grace is pleased to aggravate my guilt by charging my acceptance of his Majesty's grant as a departure from my ideas

and the spirit of my conduct with regard to economy.<sup>4</sup> If it be, my ideas of economy were false and ill-founded. But they are the Duke of Bedford's ideas of economy I have contradicted, and not my own. If he means to allude to certain bills brought in by me on a message from the throne in 1782, I tell him that there is nothing in my conduct that can contradict either the letter or the spirit of those acts. Does he mean the Pay-Office Act? I take it for granted he does not. The act to which he alludes is, I suppose, the Establishment Act. I greatly doubt whether his Grace has ever read the one or the other. The first of these systems cost me, with every assistance which my then situation gave me, pains incredible. I found an opinion common through all the offices, and general in the public at large, that it would prove impossible to reform and methodize the office of paymaster-general. I undertook it, however; and I succeeded in my undertaking. Whether the military service or whether the general economy of our finances have profited by that act, I leave to those who are acquainted with the army and with the treasury to judge

An opinion full as general prevailed also, at the same time, that nothing could be done for the regulation of the civil list establishment. The very attempt to introduce method into it, and any limitations to its services, was held absurd. I had not seen the man who so much as suggested one economical principle or an economical expedient upon that subject. Nothing but coarse amputation or coarser taxation were then talked of, both of them without design, combination, or the least shadow of principle. Blind and headlong zeal or factious fury were the whole contribution brought by the most noisy, on that occasion, towards the satisfaction of the public or the relief of the crown.

### *When England Was Near to Revolution*

Let me tell my youthful censor that the necessities of that time required something very different from what others then suggested or what his Grace now conceives. Let me inform him that it was one of the most critical periods in our annals.

Astronomers have supposed that, if a certain comet, whose path intersected the ecliptic, had met the earth in some (I forget what) sign, it would have whirled us along with it, in its eccentric course, into God knows what regions of heat and cold. Had the portentous comet of the Rights of Man (which "from its horrid hair shakes pestilence and war," and "with fear of

<sup>4</sup> See above, Chapter V, section 1

change perplexes monarchs"), had that comet crossed upon us in that internal state of England, nothing human could have prevented our being irresistibly hurried out of the highway of heaven into all the vices, crimes, horrors, and miseries of the French Revolution.

Happily, France was not then Jacobinized. Her hostility was at a good distance. We had a limb cut off, but we preserved the body: we lost our colonies, but we kept our constitution. There was, indeed, much intestine heat; there was a dreadful fermentation. Wild and savage insurrection quitted the woods, and prowled about our streets in the name of Reform. Such was the distemper of the public mind that there was no madman, in his maddest ideas and maddest projects, who might not count upon numbers to support his principles and execute his designs.

Many of the changes, by a great misnomer called parliamentary reforms, went, not in the intention of all the professors and supporters of them, undoubtedly, but went in their certain, and, in my opinion, not very remote effect, home to the utter destruction of the constitution of this kingdom. Had they taken place, not France, but England would have had the honor of leading up the death dance of democratic revolution. Other projects, exactly coincident in time with those, struck at the very existence of the kingdom under any constitution. There are who remember the blind fury of some and the lamentable helplessness of others: here, a torpid confusion, from a panic fear of the danger—there, the same inaction, from a stupid insensibility to it; here, well-wishers to the mischief—there, indifferent lookers-on. At the same time, a sort of national convention, dubious in its nature and perilous in its example, nosed Parliament in the very seat of its authority; sat with a sort of superintendence over it; and little less than dictated to it, not only laws, but the very form and essence of legislature itself. In Ireland things ran in a still more eccentric course. Government was unnerved, confounded, and in a manner suspended. Its equipoise was totally gone . . .

At that time I was connected with men of high place in the community. They loved liberty as much as the Duke of Bedford can do; and they understood it at least as well. Perhaps their politics, as usual, took a tincture from their character, and they cultivated what they loved. The liberty they pursued was a liberty inseparable from order, from virtue, from morals, and from religion; and was neither hypocritically nor fanatically followed. They did not wish that liberty, in itself one of the first

of blessings, should in its perversion become the greatest curse which could fall upon mankind To preserve the constitution entire, and practically equal to all the great ends of its formation, not in one single part, but in all its parts, was to them the first object. Popularity and power they regarded alike These were with them only different means of obtaining that object, and had no preference over each other in their minds, but as one or the other might afford a surer or a less certain prospect of arriving at that end .

By what accident it matters not, nor upon what desert, but just then, and in the midst of that hunt of obloquy which ever has pursued me with a full cry through life, I had obtained a very considerable degree of public confidence I know well enough how equivocal a test this kind of popular opinion forms of the merit that obtained it I am no stranger to the insecurity of its tenure I do not boast of it It is mentioned to show, not how highly I prize the thing, but my right to value the use I made of it I endeavored to turn that short-lived advantage to myself into a permanent benefit to my country. . . I consulted and sincerely co operated with men of all parties who seemed disposed to the same ends, or to any main part of them. Nothing to prevent disorder was omitted; when it appeared, nothing to subdue it was left uncounseled nor unexecuted, as far as I could prevail At the time I speak of, and having a momentary lead, so aided and so encouraged, and as a feeble instrument in a mighty hand—I do not say I saved my country, I am sure I did my country important service<sup>5</sup> There were few, indeed, that did not at that time acknowledge it—and that time was thirteen years ago

### *"I Acted on State Principles"*

So much for my general conduct through the whole of the portentous crisis from 1780 to 1782, and the general sense then entertained of that conduct by my country But my character as a reformer, in the particular instances which the Duke of Bedford refers to, is so connected in principle with my opinions on the hideous changes which have since barbarized France, and, spreading thence, threaten the political and moral order of the whole world, that it seems to demand something of a more detailed discussion.

My economical reforms were not, as his Grace may think, the

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<sup>5</sup> In the second Rockingham government of 1782 and the Fox-North coalition of 1783



suppression of a paltry pension or employment, more or less. Economy in my plans was, as it ought to be, secondary, subordinate, instrumental. I acted on state principles. I found a great distemper in the commonwealth, and according to the nature of the evil and of the object I treated it. The malady was deep; it was complicated, in the causes and in the symptoms. Throughout it was full of contra-indicants. On one hand, government, daily growing more invidious from an apparent increase of the means of strength, was every day growing more contemptible by real weakness. Nor was this dissolution confined to government commonly so called. It extended to Parliament, which was losing not a little in its dignity and estimation by an opinion of its not acting on worthy motives. On the other hand, the desires of the people (partly natural and partly infused into them by art) appeared in so wild and inconsiderate a manner with regard to the economical object (for I set aside for a moment the dreadful tampering with the body of the constitution itself) that if their petitions had literally been complied with, the state would have been convulsed, and a gate would have been opened through which all property might be sacked and ravaged. Nothing could have saved the public from the mischiefs of the false reform but its absurdity, which would soon have brought itself, and with it all real reform, into discredit. This would have left a rankling wound in the hearts of the people, who would know they had failed in the accomplishment of their wishes, but who, like the rest of mankind in all ages, would impute the blame to anything rather than to their own proceedings. But there were then persons in the world who nourished complaint, and would have been thoroughly disappointed if the people were ever satisfied. I was not of that humor. I wished that they *should* be satisfied. It was my aim to give to the people the substance of what I knew they desired, and what I thought was right, whether they desired it or not, before it had been modified for them into senseless petitions. I knew that there is a manifest, marked distinction, which ill men with ill designs, or weak men incapable of any design, will constantly be confounding: that is, a marked distinction between change and reformation. The former alters the substance of the objects themselves, and gets rid of all their essential good as well as of all the accidental evil annexed to them. Change is novelty; and whether it is to operate any one of the effects of reformation at all, or whether it may not contradict the very principle upon which reformation is desired, cannot be cer-

tainly known beforehand Reform is not a change in the substance or in the primary modification of the object, but a direct application of a remedy to the grievance complained of. So far as that is removed, all is sure. It stops there; and if it fails, the substance which underwent the operation, at the very worst, is but where it was.

. . . It cannot at this time be too often repeated, line upon line, precept upon precept, until it comes into the currency of a proverb—*To innovate is not to reform*. The French revolutionists complained of everything; they refused to reform anything, and they left nothing, no, nothing at all, *unchanged*. The consequences are *before* us—not in remote history, not in future prognostication—they are about us, they are upon us. They shake the public security; they menace private enjoyment. They dwarf the growth of the young, they break the quiet of the old. If we travel, they stop our way. They infest us in town; they pursue us to the country. Our business is interrupted, our repose is troubled, our pleasures saddened, our very studies are poisoned and perverted, and knowledge is rendered worse than ignorance, by the enormous evils of this dreadful innovation. The revolution harpies of France, sprung from night and hell, or from that chaotic anarchy which generates equivocally “all monstrous, all prodigious things,” cuckoo-like, adulterously lay their eggs, and brood over, and hatch them in the nest of every neighboring state . . .

If his Grace can contemplate the result of this complete innovation, or, as some friends of his will call it, *reform*, in the whole body of its solidity and compound mass, at which, as Hamlet says, the face of heaven glows with horror and indignation, and which, in truth, makes every reflecting mind and every feeling heart perfectly thought sick, without a thorough abhorrence of everything they say and everything they do, I am amazed at the morbid strength or the natural infirmity of his mind.

It was, then, not my love, but my hatred to innovation that produced my plan of reform. Without troubling myself with the exactness of the logical diagram, I considered them as things substantially opposite. It was to prevent that evil that I proposed the measures which his Grace is pleased, and I am not sorry he is pleased, to recall to my recollection. I had (what I hope that noble Duke will remember in all his operations) a state to preserve, as well as a state to reform. I had a people to gratify, but not to inflame or to mislead. I do not claim half the credit

for what I did as for what I prevented from being done. In that situation of the public mind, I did not undertake, as was then proposed, to new-model the House of Commons or the House of Lords, or to change the authority under which any officer of the crown acted, who was suffered at all to exist. Crown, lords, commons, judicial system, system of administration, existed as they had existed before, and in the mode and manner in which they had always existed. My measures were, what I then truly stated them to the House to be, in their intent, healing and mediatorial. A complaint was made of too much influence in the House of Commons. I reduced it in both houses; and I gave my reasons, article by article, for every reduction, and showed why I thought it safe for the service of the state. I heaved the load every inch of way I made. A disposition to expense was complained of, to that I opposed, not mere retrenchment, but a system of economy which would make a random expense, without plan or foresight, in future not easily practicable. I proceeded upon principles of research to put me in possession of my matter, on principles of method to regulate it, and on principles in the human mind and in civil affairs to secure and perpetuate the operation. I conceived nothing arbitrarily, nor proposed anything to be done by the will and pleasure of others or my own — but by reason, and by reason only. I have ever abhorred, since the first dawn of my understanding to this its obscure twilight, all the operations of opinion, fancy, inclination, and will, in the affairs of government, where only a sovereign reason, paramount to all forms of legislation and administration, should dictate. Government is made for the very purpose of opposing that reason to will and to caprice, in the reformers or in the reformed, in the governors or in the governed, in kings, in senates, or in people. . . .

### *His Other Services to the State*

But do I justify his Majesty's grace on these grounds? I think them the least of my services. The time gave them an occasional value. What I have done in the way of political economy was far from confined to this body of measures. I did not come into Parliament to con my lesson. I had earned my pension before I set my foot in St. Stephen's Chapel. I was prepared and disciplined to this political warfare. The first session I sat in Parliament, I found it necessary to analyze the whole commercial, financial, constitutional, and foreign interests of Great Britain and its empire. A great deal was then done; and more,

far more, would have been done if more had been permitted by events. Then, in the vigor of my manhood, my constitution sunk under my labor. Had I then died (and I seemed to myself very near death), I had then earned for those who belonged to me more than the Duke of Bedford's ideas of service are of power to estimate. But, in truth, these services I am called to account for are not those on which I value myself the most. If I were to call for a reward (which I have never done), it should be for those in which for fourteen years without intermission I showed the most industry and had the least success: I mean in the affairs of India. They are those on which I value myself the most: most for the importance, most for the labor, most for the judgment, most for constancy and perseverance in the pursuit. Others may value them most for the *intention*. In that, surely, they are not mistaken.

Does his Grace think that they who advised the crown to make my retreat easy considered me only as an economist? That, well understood, however, is a good deal. If I had not deemed it of some value, I should not have made political economy an object of my humble studies from my very early youth to near the end of my service in Parliament, even before (at least to any knowledge of mine) it had employed the thoughts of speculative men in other parts of Europe. At that time it was still in its infancy in England, where, in the last century, it had its origin. Great and learned men<sup>6</sup> thought my studies were not wholly thrown away, and deigned to communicate with me now and then on some particulars of their immortal works. Something of these studies may appear incidentally in some of the earliest things I published. The House has been witness to their effect, and has profited of them, more or less, for above eight-and-twenty years.

To their estimate I leave the matter. I was not, like his Grace of Bedford, swaddled and rocked and dandled into a legislator. . . . I possessed not one of the qualities nor cultivated one of the arts that recommend men to the favor and protection of the great. I was not made for a minion or a tool. As little did I follow the trade of winning the hearts by imposing on the understandings of the people. At every step of my progress in life (for in every step was I traversed and opposed) and at every turnpike I met, I was obliged to show my passport, and again and again to prove my sole title to the honor of being useful to my country, by a proof that I was not wholly unacquainted with its laws and

<sup>6</sup> Notably, Adam Smith.

the whole system of its interests both abroad and at home. Otherwise, no rank, no toleration even, for me I had no arts but manly arts. On them I have stood, and, please God, in spite of the Duke of Bedford and the Earl of Lauderdale, to the last gasp will I stand.

Had his Grace condescended to inquire concerning the person whom he has not thought it below him to reproach, he might have found that, in the whole course of my life, I have never, on any pretense of economy, or on any other pretense, so much as in a single instance, stood between any man and his reward of service or his encouragement in useful talent and pursuit, from the highest of those services and pursuits to the lowest. On the contrary, I have on a hundred occasions exerted myself with singular zeal to forward every man's even tolerable pretensions.

This line of conduct, whatever its merits might be, was partly owing to natural disposition, but I think full as much to reason and principle. I looked on the consideration of public service or public ornament to be real and very justice; and I ever held a scanty and penurious justice to partake of the nature of a wrong. I held it to be, in its consequences, the worst economy in the world. In saving money I soon can count up all the good I do, but when by a cold penury I blast the abilities of a nation, and stunt the growth of its active energies, the ill I may do is beyond all calculation. Whether it be too much or too little, whatever I have done has been general and systematic. I have never entered into those trifling vexations and oppressive details that have been falsely and most ridiculously laid to my charge . . .

It may be new to his Grace, but I beg leave to tell him that mere parsimony is not economy. It is separable in theory from it; and in fact it may or it may not be a *part* of economy, according to circumstances. Expense, and great expense, may be an essential part in true economy. If parsimony were to be considered as one of the kinds of that virtue, there is, however, another and a higher economy. Economy is a distributive virtue, and consists, not in saving, but in selection. Parsimony requires no providence, no sagacity, no powers of combination, no comparison, no judgment. Mere instinct, and that not an instinct of the noblest kind, may produce this false economy in perfection. The other economy has larger views. It demands a discriminating judgment, and a firm, sagacious mind. It shuts one door to impudent importunity, only to open another, and a wider, to unpresuming merit. If none but meritorious service or real talent

were to be rewarded, this nation has not wanted, and this nation will not want, the means of rewarding all the service it ever will receive, and encouraging all the merit it ever will produce. No state, since the foundation of society, has been impoverished by that species of profusion. Had the economy of selection and proportion been at all times observed, we should not now have had an overgrown Duke of Bedford, to oppress the industry of humble men, and to limit, by the standard of his own conceptions, the justice, the bounty, or, if he pleases, the charity of the crown.

His Grace may think as meanly as he will of my deserts in the far greater part of my conduct in life. It is free for him to do so. There will always be some difference of opinion in the value of political services. But there is one merit of mine which he, of all men living, ought to be the last to call in question. I have supported with very great zeal, and I am told with some degree of success, those opinions, or, if his Grace likes another expression better, those old prejudices, which buoy up the ponderous mass of his nobility, wealth, and titles. I have omitted no exertion to prevent him and them from sinking to that level to which the meretricious French faction his Grace at least coquets with omit no exertion to reduce both. I have done all I could to discountenance their inquiries into the fortunes of those who hold large portions of wealth without any apparent merit of their own. I have strained every nerve to keep the Duke of Bedford in that situation which alone makes him my superior. Your Lordship has been a witness of the use he makes of that pre-eminence.

But be it that this is virtue, be it that there is virtue in this well-selected rigor; yet all virtues are not equally becoming to all men and at all times. There are crimes, undoubtedly there are crimes, which in all seasons of our existence ought to put a generous antipathy in action—crimes that provoke an indignant justice, and call forth a warm and animated pursuit. But all things that concern what I may call the preventive police of morality, all things merely rigid, harsh, and censorial, the antiquated moralists at whose feet I was brought up would not have thought these the fittest matter to form the favorite virtues of young men of rank. What might have been well enough, and have been received with a veneration mixed with awe and terror, from an old, severe, crabbed Cato, would have wanted something of propriety in the young Scipios, the ornament of the Roman nobility, in the flower of their life. But the times, the morals, the masters, the scholars, have all undergone a thorough

revolution. It is a vile, illiberal school, this new French academy of the *sans-culottes*. There is nothing in it that is fit for a gentleman to learn. . . .

### *Royal Grants to Bedford and Burke Compared*

The awful state of the time, and not myself, or my own justification, is my true object in what I now write, or in what I shall ever write or say. It little signifies to the world what becomes of such things as me, or even as the Duke of Bedford. What I say about either of us is nothing more than a vehicle, as you, my Lord, will easily perceive, to convey my sentiments on matters far more worthy of your attention. It is when I stick to my apparent first subject that I ought to apologize, not when I depart from it. I therefore must beg your Lordship's pardon for again resuming it after this very short digression — assuring you that I shall never altogether lose sight of such matter as persons abler than I am may turn to some profit.

The Duke of Bedford conceives that he is obliged to call the attention of the House of Peers to his Majesty's grant to me, which he considers as excessive and out of all bounds.

I know not how it has happened, but it really seems that whilst his Grace was meditating his well-considered censure upon me, he fell into a sort of sleep. Homer nods, and the Duke of Bedford may dream; and as dreams (even his golden dreams) are apt to be ill-pieced and incongruously put together, his Grace preserved his idea of reproach to *me*, but took the subject-matter from the crown grants to *his own family*. This is "the stuff of which his dreams are made." In that way of putting things together his Grace is perfectly in the right. The grants to the house of Russell were so enormous as not only to outrage economy, but even to stagger credibility. The Duke of Bedford is the leviathan among all the creatures of the crown. He tumbles about his unwieldy bulk, he plays and frolics in the ocean of the royal bounty. Huge as he is, and whilst "he lies floating many a rood," he is still a creature. His ribs, his fins, his whalebone, his blubber, the very spiracles through which he spouts a torrent of brine against his origin, and covers me all over with the spray, everything of him and about him is from the throne. Is it for *him* to question the dispensation of the royal favor?

I really am at a loss to draw any sort of parallel between the public merits of his Grace, by which he justifies the grants he holds, and these services of mine, on the favorable construction of which I have obtained what his Grace so much disapproves. In

private life I have not at all the honor of acquaintance with the noble Duke; but I ought to presume, and it costs me nothing to do so, that he abundantly deserves the esteem and love of all who live with him. But as to public service, why, truly, it would not be more ridiculous for me to compare myself in rank, in fortune, in splendid descent, in youth, strength, or figure with the Duke of Bedford than to make a parallel between his services and my attempts to be useful to my country. It would not be gross adulation, but uncivil irony, to say that he has any public merit of his own to keep alive the idea of the services by which his vast landed pensions were obtained. My merits, whatever they are, are original and personal; his are derivative. It is his ancestor, the original pensioner, that has laid up this inexhaustible fund of merit which makes his Grace so very delicate and exceptionous about the merit of all other grantees of the crown. Had he permitted me to remain in quiet, I should have said, "'Tis his estate: that's enough. It is his by law: what have I to do with it or its history?" He would naturally have said, on his side, "'Tis this man's fortune. He is as good now as my ancestor was two hundred and fifty years ago. I am a young man with very old pensions; he is an old man with very young pensions: that's all."

Why will his Grace, by attacking me, force me reluctantly to compare my little merit with that which obtained from the crown those prodigies of profuse donation by which he tramples on the mediocrity of humble and laborious individuals? . . .

The first peer of the name, the first purchaser of the grants, was a Mr. Russell, a person of an ancient gentleman's family, raised by being a minion of Henry the Eighth. As there generally is some resemblance of character to create these relations, the favorite was in all likelihood much such another as his master. The first of those immoderate grants was not taken from the ancient demesne of the crown, but from the recent confiscation of the ancient nobility of the land. The lion, having sucked the blood of his prey, threw the offal carcass to the jackal in waiting. Having tasted once the food of confiscation, the favorites became fierce and ravenous. This worthy favorite's first grant was from the lay nobility. The second, infinitely improving on the enormity of the first, was from the plunder of the church. In truth, his Grace is somewhat excusable for his dislike to a grant like mine, not only in its quantity, but in its kind, so different from his own.

Mine was from a mild and benevolent sovereign: his from Henry the Eighth.

Mine had not its fund in the murder of any innocent person



of illustrious rank, or in the pillage of any body of unoffending men. His grants were from the aggregate and consolidated funds of judgments iniquitously legal, and from possessions voluntarily surrendered by the lawful proprietors with the gibbet at their door.

The merit of the grantee whom he derives from was that of being a prompt and greedy instrument of a *leveling* tyrant, who oppressed all descriptions of his people, but who fell with particular fury on everything that was *great and noble*. Mine has been in endeavoring to screen every man, in every class, from oppression, and particularly in defending the high and eminent, who, in the bad times of confiscating princes, confiscating chief governors, or confiscating demagogues, are the most exposed to jealousy, avarice, and envy.

The merit of the original grantee of his Grace's pensions was in giving his hand to the work, and partaking the spoil, with a prince who plundered a part of the national church of his time and country. Mine was in defending the whole of the national church of my own time and my own country, and the whole of the national churches of all countries, from the principles and the examples which lead to ecclesiastical pillage, thence to a contempt of *all* prescriptive titles, thence to the pillage of *all* property, and thence to universal desolation.

The merit of the origin of his Grace's fortune was in being a favorite and chief adviser to a prince who left no liberty to their native country. My endeavor was to obtain liberty for the municipal country in which I was born, and for all descriptions and denominations in it. Mine was to support with unrelaxing vigilance every right, every privilege, every franchise, in this my adopted, my dearer and more comprehensive country; and not only to preserve those rights in this chief seat of empire, but in every nation, in every land, in every climate, language, and religion, in the vast domain that still is under the protection, and the larger that was once under the protection, of the British crown.

His founder's merits were, by arts in which he served his master and made his fortune, to bring poverty, wretchedness, and depopulation on his country. Mine were under a benevolent prince, in promoting the commerce, manufactures, and agriculture of his kingdom; in which his Majesty shows an eminent example, who even in his amusements is a patriot, and in hours of leisure an improver of his native soil.

His founder's merit was the merit of a gentleman raised by

the arts of a court and the protection of a Wolsey to the eminence of a great and potent lord. His merit in that eminence was, by instigating a tyrant to injustice, to provoke a people to rebellion. My merit was to awaken the sober part of the country, that they might put themselves on their guard against any one potent lord, or any greater number of potent lords, or any combination of great leading men of any sort, if ever they should attempt to proceed in the same courses, but in the reverse order; that is, by instigating a corrupted populace to rebellion, and, through that rebellion, introducing a tyranny yet worse than the tyranny which his Grace's ancestor supported, and of which he profited in the manner we behold in the despotism of Henry the Eighth.

The political merit of the first pensioner of his Grace's house was that of being concerned as a counselor of state in advising, and in his person executing, the conditions of a dishonorable peace with France: the surrendering the fortress of Boulogne, then our outguard on the Continent.<sup>7</sup> By that surrender Calais, the key of France, and the bridle in the mouth of that power, was not many years afterwards finally lost. My merit has been in resisting the power and pride of France, under any form of its rule; but in opposing it with the greatest zeal and earnestness when that rule appeared in the worst form it could assume; the worst, indeed, which the prime cause and principle of all evil could possibly give it. It was my endeavor by every means to excite a spirit in the House, where I had the honor of a seat, for carrying on with early vigor and decision the most clearly just and necessary war that this or any nation ever carried on, in order to save my country from the iron yoke of its power, and from the more dreadful contagion of its principles: to preserve, while they can be preserved, pure and untainted, the ancient, inbred integrity, piety, good-nature, and good-humor of the people of England from the dreadful pestilence which, beginning in France, threatens to lay waste the whole moral and in a great degree the whole physical world, having done both in the focus of its most intense malignity.

The labors of his Grace's founder merited the "curses, not loud, but deep," of the Commons of England, on whom *he* and his master had effected a *complete parliamentary reform*, by making them, in their slavery and humiliation, the true and adequate representatives of a debased, degraded, and undone people. My merits were in having had an active, though not always an os-

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<sup>7</sup> In 1550 (reign of Edward VI) England bought peace with France by surrendering Boulogne, captured six years earlier.

tentatious share in every one act, without exception, of undisputed constitutional utility in my time, and in having supported, on all occasions, the authority, the efficiency, and the privileges of the Commons of Great Britain. . . .

Thus stands the account of the comparative merits of the crown grants which compose the Duke of Bedford's fortune as balanced against mine. In the name of common sense, why should the Duke of Bedford think that none but of the house of Russell are entitled to the favor of the crown? Why should he imagine that no king of England has been capable of judging of merit but King Henry the Eighth? . . .

### *"The Sacred Rules of Prescription"*

The crown has considered me after long service; the crown has paid the Duke of Bedford by advance. He has had a long credit for any service which he may perform hereafter. He is secure, and long may he be secure, in his advance, whether he performs any services or not. But let him take care how he endangers the safety of that constitution which secures his own utility or his own insignificance, or how he discourages those who take up even puny arms to defend an order of things which, like the sun of heaven, shines alike on the useful and the worthless. His grants are ingrafted on the public law of Europe, covered with the awful hoar of innumerable ages. They are guarded by the sacred rules of prescription, found in that full treasury of jurisprudence from which the jejuneness and penury of our municipal law has by degrees been enriched and strengthened. . . . The Duke of Bedford will stand as long as prescriptive law endures; as long as the great, stable laws of property, common to us with all civilized nations, are kept in their integrity, and without the smallest intermixture of the laws, maxims, principles, or precedents of the Grand Revolution. They are secure against all changes but one. The whole revolutionary system, institutes, digest, code, novels, text, gloss, comment, are not only not the same, but they are the very reverse, and the reverse fundamentally, of all the laws on which civil life has hitherto been upheld in all the governments of the world. The learned professors of the Rights of Man regard prescription not as a title to bar all claim set up against old possession, but they look on prescription as itself a bar against the possessor and proprietor. They hold an immemorial possession to be no more than a long continued and therefore an aggravated injustice.

Such are *their* ideas, such *their* religion, and such *their* law.

But as to *our* country and *our* race, as long as the well-compacted structure of our church and state, the sanctuary, the holy of holies of that ancient law, defended by reverence, defended by power, a fortress at once and a temple, shall stand inviolate on the brow of the British Sion—as long as the British monarchy, not more limited than fenced by the orders of the state, shall, like the proud Keep of Windsor, rising in the majesty of proportion, and girt with the double belt of its kindred and coeval towers, as long as this awful structure shall oversee and guard the subjected land—so long the mounds and dikes of the low, fat, Bedford level will have nothing to fear from all the pickaxes of all the levelers of France. As long as our sovereign lord the king, and his faithful subjects, the lords and commons of this realm—the triple cord which no man can break; the solemn, sworn, constitutional frank-pledge of this nation; the firm guaranties of each other's being and each other's rights; the joint and several securities, each in its place and order, for every kind and every quality of property and of dignity—as long as these endure, so long the Duke of Bedford is safe, and we are all safe together—the high from the blights of envy and the spoliations of rapacity; the low from the iron hand of oppression and the insolent spurn of contempt. Amen! and so be it! . . .

*The Duke of Bedford and the Jacobins — "He Is Their Natural Game"*

But if the rude inroad of Gallic tumult, with its sophistical rights of man to falsify the account, and its sword as a make-weight to throw into the scale, shall be introduced into our city by a misguided populace, set on by proud great men, themselves blinded and intoxicated by a frantic ambition, we shall all of us perish and be overwhelmed in a common ruin. If a great storm blow on our coast, it will cast the whales on the strand as well as the periwinkles. His Grace will not survive the poor grantee he despises—no, not for a twelvemonth. If the great look for safety in the services they render to this Gallic cause, it is to be foolish even above the weight of privilege allowed to wealth. If his Grace be one of these whom they endeavor to proselytize, he ought to be aware of the character of the sect whose doctrines he is invited to embrace. With them insurrection is the most sacred of revolutionary duties to the state. Ingratitude to benefactors is the first of revolutionary virtues. Ingratitude is, indeed, their four cardinal virtues compacted and amalgamated into one; and he will find it in everything that has happened since the commencement of

the philosophic Revolution to this hour. If he pleads the merit of having performed the duty of insurrection against the order he lives in (God forbid he ever should!), the merit of others will be to perform the duty of insurrection against him. If he pleads (again God forbid he should, and I do not suspect he will) his ingratitude to the crown for its creation of his family, others will plead their right and duty to pay him in kind. They will laugh, indeed they will laugh, at his parchment and his wax. His deeds will be drawn out with the rest of the lumber of his evidence room, and burnt to the tune of *Ça ira* in the courts of Bedford (then Equality) House.

Am I to blame if I attempt to pay his Grace's hostile reproaches to me with a friendly admonition to himself? Can I be blamed for pointing out to him in what manner he is like to be affected if the sect of the cannibal philosophers of France should proselytize any considerable part of this people, and, by their joint proselytizing arms, should conquer that government to which his Grace does not seem to me to give all the support his own security demands? Surely it is proper that he, and that others like him, should know the true genius of this sect — what their opinions are — what they have done, and to whom — and what (if a prognostic is to be formed from the dispositions and actions of men) it is certain they will do hereafter. He ought to know that they have sworn assistance, the only engagement they ever will keep, to all in this country who bear a resemblance to themselves, and who think, as such, that *the whole duty of man* consists in destruction. They are a misallied and disparaged branch of the house of Nimrod. They are the Duke of Bedford's natural hunters; and he is their natural game. Because he is not very profoundly reflecting, he sleeps in profound security; they, on the contrary, are always vigilant, active, enterprising, and, though far removed from any knowledge which makes men estimable or useful, in all the instruments and resources of evil their leaders are not meanly instructed or insufficiently furnished. In the French Revolution everything is new, and, from want of preparation to meet so unlooked-for an evil, everything is dangerous. Never before this time was a set of literary men converted into a gang of robbers and assassins; never before did a den of bravoës and banditti assume the garb and tone of an academy of philosophers.

Let me tell his Grace, that a union of such characters, monstrous as it seems, is not made for producing despicable enemies. But if they are formidable as foes, as friends they are dreadful

indeed. The men of property in France, confiding in a force which seemed to be irresistible because it had never been tried, neglected to prepare for a conflict with their enemies at their own weapons. They were found in such a situation as the Mexicans were when they were attacked by the dogs, the cavalry, the iron, and the gunpowder of a handful of bearded men, whom they did not know to exist in nature. This is a comparison that some, I think, have made; and it is just. In France they had their enemies within their houses. They were even in the bosoms of many of them. But they had not sagacity to discern their savage character. They seemed tame, and even caressing. They had nothing but *douce humanité* in their mouth. They could not bear the punishment of the mildest laws on the greatest criminals. The slightest severity of justice made their flesh creep. The very idea that war existed in the world disturbed their repose. Military glory was no more, with them, than a splendid infamy. Hardly would they hear of self-defense, which they reduced within such bounds as to leave it no defense at all. All this while they meditated the confiscations and massacres we have seen. Had anyone told these unfortunate noblemen and gentlemen how and by whom the grand fabric of the French monarchy under which they flourished would be subverted, they would not have pitied him as a visionary, but would have turned from him as what they call a *mauvais plaisant*. Yet we have seen what has happened. The persons who have suffered from the cannibal philosophy of France are so like the Duke of Bedford that nothing but his Grace's probably not speaking quite so good French could enable us to find out any difference. A great many of them had as pompous titles as he, and were of full as illustrious a race; some few of them had fortunes as ample; several of them, without meaning the least disparagement to the Duke of Bedford, were as wise, and as virtuous, and as valiant, and as well educated, and as complete in all the lineaments of men of honor as he is; and to all this they had added the powerful outguard of a military profession, which, in its nature, renders men somewhat more cautious than those who have nothing to attend to but the lazy enjoyment of undisturbed possessions. But security was their ruin. They are dashed to pieces in the storm, and our shores are covered with the wrecks. If they had been aware that such a thing might happen, such a thing never could have happened.

I assure his Grace that, if I state to him the designs of his enemies in a manner which may appear to him ludicrous and impossible I tell him nothing that has not exactly happened, point

by point, but twenty-four miles from our own shore. I assure him that the Frenchified faction, more encouraged than others are warned by what has happened in France, look at him and his landed possessions as an object at once of curiosity and rapacity. He is made for them in every part of their double character. As robbers, to them he is a noble booty; as speculatists, he is a glorious subject for their experimental philosophy. He affords matter for an extensive analysis in all the branches of their science, geometrical, physical, civil, and political. These philosophers are fanatics: independent of any interest, which, if it operated alone, would make them much more tractable, they are carried with such a headlong rage towards every desperate trial that they would sacrifice the whole human race to the slightest of their experiments. I am better able to enter into the character of this description of men than the noble Duke can be. I have lived long and variously in the world. Without any considerable pretensions to literature in myself, I have aspired to the love of letters. I have lived for a great many years in habitudes with those who professed them. I can form a tolerable estimate of what is likely to happen from a character chiefly dependent for fame and fortune on knowledge and talent, as well in its morbid and perverted state as in that which is sound and natural. Naturally, men so formed and finished are the first gifts of Providence to the world. But when they have once thrown off the fear of God, which was in all ages too often the case, and the fear of man, which is now the case, and when in that state they come to understand one another, and to act in corps, a more dreadful calamity cannot arise out of hell to scourge mankind. Nothing can be conceived more hard than the heart of a thoroughbred metaphysician. It comes nearer to the cold malignity of a wicked spirit than to the frailty and passion of a man. It is like that of the Principle of Evil himself, incorporeal, pure, unmixed, dephlegmated, defecated evil. It is no easy operation to eradicate humanity from the human breast. What Shakspeare calls the "compunctious visitings of nature" will sometimes knock at their hearts and protest against their murderous speculations. But they have a means of compounding with their nature. Their humanity is not dissolved; they only give it a long prorogation. They are ready to declare that they do not think two thousand years too long a period for the good that they pursue. It is remarkable that they never see any way to their projected good but by the road of some evil. Their imagination is not fatigued with the contemplation of human suffering through the wild waste of centuries added to

centuries of misery and desolation. Their humanity is at their horizon — and, like the horizon, it always flies before them. The geometricians and the chemists bring, the one from the dry bones of their diagrams, and the other from the soot of their furnaces, dispositions that make them worse than indifferent about those feelings and habitudes which are the supports of the moral world. Ambition is come upon them suddenly; they are intoxicated with it, and it has rendered them fearless of the danger which may from thence arise to others or to themselves. These philosophers consider men in their experiments no more than they do mice in an air-pump or in a recipient of mephitic gas. Whatever his Grace may think of himself, they look upon him, and everything that belongs to him, with no more regard than they do upon the whiskers of that little long-tailed animal that has been long the game of the grave, demure, insidious, spring-nailed, velvet-pawed, green-eyed philosophers, whether going upon two legs or upon four.

His Grace's landed possessions are irresistibly inviting to an agrarian experiment. They are a downright insult upon the rights of man. They are more extensive than the territory of many of the Grecian republics; and they are without comparison more fertile than most of them. There are now republics in Italy, in Germany, and in Switzerland which do not possess anything like so fair and ample a domain. There is scope for seven philosophers to proceed in their analytical experiments upon Harrington's seven different forms of republics in the acres of this one Duke. Hitherto they have been wholly unproductive to speculation, fitted for nothing but to fatten bullocks, and to produce grain for beer, still more to stupefy the dull English understanding. Abbé Sieyès<sup>8</sup> has whole nests of pigeonholes full of constitutions ready-made, ticketed, sorted, and numbered, suited to every season and every fancy: some with the top of the pattern at the bottom, and some with the bottom at the top; some plain, some flowered; some distinguished for their simplicity, others for their complexity; some of blood color, some of *boue de Paris*; some with directories, others without a direction; some with councils of elders and councils of youngsters, some without any council at all; some where the electors choose the representatives, others where the representatives choose the electors; some in long coats, and some in short cloaks; some with pantaloons, some without breeches; some with five-shilling qualifications, some totally unqualified. So that no constitution-fancier may go un-

<sup>8</sup> See above, page 439n.



sued from his shop, provided he loves a pattern of pillage, oppression, arbitrary imprisonment, confiscation, exile, revolutionary judgment, and legalized premeditated murder, in any shapes into which they can be put. What a pity it is that the progress of experimental philosophy should be checked by his Grace's monopoly! Such are their sentiments, I assure him; such is their language, when they dare to speak; and such are their proceedings, when they have the means to act.

Their geographers and geometricians have been some time out of practice. It is some time since they have divided their own country into squares. That figure has lost the charms of its novelty. They want new lands for new trials. It is not only the geometricians of the republic that find him a good subject: the chemists have bespoke him after the geometricians have done with him. As the first set have an eye on his Grace's lands, the chemists are not less taken with his buildings. They consider mortar as a very anti-revolutionary invention in its present state, but, properly employed, an admirable material for overturning all establishments. They have found that the gunpowder of *ruins* is far the fittest for making other *ruins*, and so *ad infinitum*. They have calculated what quantity of matter convertible into niter is to be found in Bedford House, in Woburn Abbey, and in what his Grace and his trustees have still suffered to stand of that foolish royalist, Inigo Jones, in Covent Garden. Churches, play-houses, coffee-houses, all alike, are destined to be mingled, and equalized, and blended into one common rubbish—and, well sifted, and lixiviated, to crystallize into true, democratic, explosive, insurrectionary niter. . . .

While the Morveaux<sup>9</sup> and Priestleys are proceeding with these experiments upon the Duke of Bedford's houses, the Sieyès, and the rest of the analytical legislators and constitution-venders, are quite as busy in their trade of decomposing organization, in forming his Grace's vassals into primary assemblies, national guards, first, second, and third requisitioners, committees of research, conductors of the traveling guillotine, judges of revolutionary tribunals, legislative hangmen, supervisors of domiciliary visitation, exactors of forced loans, and assessors of the maximum.

The din of all this smithery may some time or other possibly wake this noble Duke, and push him to an endeavor to save some little matter from their experimental philosophy. If he pleads his grants from the crown, he is ruined at the outset. If he pleads

<sup>9</sup> Reference is to Louis Bernard, Baron Guyton de Morveau (1737-1816), French chemist and member of the National Convention.

he has received them from the pillage of superstitious corporations, this indeed will stagger them a little, because they are enemies to all corporations and to all religion. However, they will soon recover themselves, and will tell his Grace, or his learned council, that all such property belongs to the *nation*, and that it would be more wise for him, if he wishes to live the natural term of a *citizen* (that is, according to Condorcet's calculation, six months on an average), not to pass for a usurper upon the national property. This is what the *serjeants-at-law* of the rights of man will say to the puny *apprentices* of the common law of England.

Is the genius of philosophy not yet known? You may as well think the garden of the Tuileries was well protected with the cords of ribbon insultingly stretched by the National Assembly to keep the sovereign *canaille* from intruding on the retirement of the poor King of the French as that such flimsy cobwebs will stand between the savages of the Revolution and their natural prey. Deep philosophers are no triflers; brave *sans-culottes* are no formalists. They will no more regard a Marquis of Tavistock than an Abbot of Tavistock; the Lord of Woburn will not be more respectable in their eyes than the Prior of Woburn; they will make no difference between the superior of a Covent Garden of nuns and of a Covent Garden of another description. They will not care a rush whether his coat is long or short — whether the color be purple or blue and buff. They will not trouble *their* heads with what part of *his* head his hair is cut from; and they will look with equal respect on a tonsure and a crop. Their only question will be that of their Legendre,<sup>10</sup> or some other of their legislative butchers: how he cuts up; how he tallows in the caul or on the kidneys.

Is it not a singular phenomenon that, whilst the *sans-culotte* carcass-butchers and the philosophers of the shambles are pricking their dotted lines upon his hide, and, like the print of the poor ox that we see in the shop-windows at Charing Cross, alive as he is, and thinking no harm in the world, he is divided into rumps, and sirloins, and briskets, and into all sorts of pieces for roasting, boiling, and stewing, that, all the while they are measuring *him*, his Grace is measuring *me* — is invidiously comparing the bounty of the crown with the deserts of the defender of his order, and in the same moment fawning on those who have the knife half out of the sheath? Poor innocent! . . .

<sup>10</sup> Louis Legendre (1752-1797), a butcher who became a leading revolutionary terrorist.

¶ Burke continued his war of words against the Jacobins abroad and their apologists at home until almost the hour of his death. Although in retirement from public life, he maintained open house at his home in Beaconsfield for French refugees, towards whom his magnanimous hospitality was limited only by his straitened financial means. In the early summer of 1797 his health, poor since his retirement from Parliament, declined rapidly from a cancerous infection, and on July 9 he expired. Charles James Fox, with whom Burke had never made reconciliation but whom he had never ceased to love, generously proposed that his former friend be buried in Westminster Abbey. But Burke had expressed the wish to lie in the parish church at Beaconsfield, and there he was interred.

The end came at a somber moment in the history of the British people. The coalition war on the Continent had been lost. A great mutiny in the fleet had just been quelled. Defeatism and profound political discontent were rampant; disaffection showed itself even in the army. General Bonaparte had conquered Italy and was forcing Austria, Britain's sole remaining ally, to a separate peace. Spain had become the ally of France, and the British navy had been forced to evacuate the Mediterranean. Ireland was on the brink of civil war. No sign then was given that British statesmen, schooled in Burke's wisdom, would one day participate in the reconstruction of a pacific Europe and inaugurate a century of British world leadership in moral and material progress. ¶

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